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*Washington Tuesday, August 13, 1946*

## *The President*

### PROCLAMATION 2699

#### AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted and submitted to me the following amendments of the regulations approved by Proclamation No. 2616 of July 27, 1944, as amended, relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

#### AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) and Reorganization Plan II, effective July 1, 1939 (53 Stat. 1431), I, J. A. Krug, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby amend

as follows the regulations approved by Proclamation No. 2616 of July 27, 1944, as last amended by Proclamation No. 2653 of July 31, 1945, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

Waterfowl (except wood ducks in Arizona, Colorado, Kansas, Massachusetts, Nebraska, Nevada, North Dakota, Utah, and Wyoming; Canada geese, including Hutchins and cackling geese, and white-fronted geese in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, and Alabama; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, Wyoming, and in States bordering on the Atlantic Ocean; Ross' geese; and swans), coots, rails, and gallinules may be taken each day from one-half hour before sunrise to one-half hour before sunset, and woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons from one-half hour before sunrise to sunset, except as otherwise provided in this regulation, during the open seasons prescribed herein; and may be taken by the means and in the numbers permitted by regulations 3 and 5 hereof, and when so taken may be possessed in the numbers permitted by regulation 5 during the period constituting the open season where taken and for an additional period of 90 days next succeeding said open season, except as prohibited by State law.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), or on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except so far as may be permitted by the Secretary of the In-

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<sup>1</sup>Proc. 2699.

<sup>2</sup>E.O. 9767.

<sup>3</sup>E.O. 9768.

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terior under existing law, or on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

*Waterfowl and Coot.*—The open seasons on waterfowl and coot (except wood ducks in Arizona, Colorado, Kansas, Massachusetts, Nebraska, Nevada, North Dakota, Utah, and Wyoming; Canada geese, including Hutchins and cackling geese, and white-fronted geese in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, and Alabama; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, Wyoming, and in States bordering on the Atlantic Ocean; Ross' geese; and swans) in the several States, Alaska, and Puerto Rico shall be as follows, both dates inclusive:

Maine, Michigan, Minnesota, New Hampshire, North Dakota, South Dakota, Vermont, and Wisconsin, October 5 to November 18.

California, in San Bernardino, Riverside, and Imperial Counties, November 23 to January 6; in remainder of State, October 26 to December 9.

Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in Lake and McHenry Counties) Indiana, Iowa, Kansas, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 26 to December 9.

New York, in Essex and Clinton Counties east of the tracks of the main line of the Delaware and Hudson Railroad and that part of Washington County east of the aforesaid tracks from the Essex County line to the village of Whitehall and north of the branch line tracks of said railroad from the village of Whitehall, New York to Fair Haven, Vermont and all the waters of South Bay and one mile distant from such water in any direction, October 5 to November 18.

Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia, November 23 to January 6.

Texas, on those portions of Lake Texoma in Cooke and Grayson Counties, October 26 to December 9; in remainder of State, November 23 to January 6.

Puerto Rico, December 15 to February 12.

Alaska, in Fur Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska, adopted May 15, 1944 (9 F.R. 5270) October 1 to November 14; in the remainder of Alaska, September 1 to October 15.

Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to October 4; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 25, and thereafter from land or water dur-

ing the open seasons for other waterfowl in these States.

Coot, in Lake and McHenry Counties, Illinois, October 1 to October 13 and from October 26 to December 9.

*Rails and Gallinules (except coot)*—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, September 15 to December 15.

Maine and Wisconsin, October 5 to November 18.

Maryland, September 1 to October 31.

Massachusetts and New York, including Long Island, October 26 to December 9.

Minnesota, September 16 to November 30.

Mississippi, October 15 to December 30.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

*Woodcock.*—The open seasons on woodcock shall be as follows, both dates inclusive:

Arkansas and Oklahoma, December 1 to December 15.

Connecticut, October 19 to November 2.

Delaware and Maryland, November 15 to November 29.

Georgia, Louisiana, and Mississippi, December 15 to December 29.

Indiana and West Virginia, October 16 to October 30.

Maine, in Aroostook, Penobscot, Piscataquis, Somerset, Franklin, and Oxford Counties, October 1 to October 15; in remainder of State, October 16 to October 30.

Massachusetts and New Jersey, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, Ohio, Pennsylvania, and Wisconsin, October 10 to October 24.

Missouri, November 10 to November 24.

New Hampshire, in Coos, Carroll, and Grafton Counties, October 1 to October 15; in remainder of State, October 16 to October 30.

New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachusetts State line, October 10 to October 24; west and south of the line above described, October 21 to November 4; and that part of New York known as Long Island, November 1 to November 15; from 12 o'clock noon until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 7:00 a. m. until sunset.

Rhode Island, November 1 to November 15.

Vermont, in Bennington and Windham Counties and those portions of Rutland and Windsor Counties south of U. S. Highway Route 4 from West Haven to

White River Junction, October 16 to October 30; in remainder of State, October 1 to October 15.

Virginia, November 20 to December 4. *Mourning, or Turtle, Dove.*—The open seasons on mourning, or turtle, dove shall be as follows, both dates inclusive:

Arizona, California, Kansas, Missouri, and Oklahoma, September 1 to October 30.

Alabama and Louisiana, October 1 to October 15, and December 18 to January 31.

Arkansas and Mississippi, September 16 to September 30, and December 18 to January 31.

Colorado, Nevada, and New Mexico, September 1 to October 12.

Delaware and Tennessee, September 16 to November 14.

Florida, in Broward, Dade and Monroe Counties, October 1 to October 31, in remainder of State, November 20 to January 18.

Georgia, in Muscogee, Taylor, Crawford, Bibb, Jones, Baldwin, Hancock, Warren, McDuffie, and Columbia Counties and all counties north thereof, September 16 to September 30; in the above described counties and throughout the State, December 18 to January 31.

Idaho and Oregon, September 1 to September 15.

Illinois, September 1 to September 30. Kentucky, September 1 to October 25. Maryland, September 1 to October 15. Minnesota, September 16 to September 30.

North Carolina, September 16 to September 30, and December 2 to January 15.

Pennsylvania, November 1 to November 30.

South Carolina, September 16 to October 15 and December 23 to January 22.

Texas, in Val Verde, Kinney, Uvalde, Medina, Kendall, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties, and all counties north and west thereof, September 1 to October 30; in remainder of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, and Willacy Counties) October 20 to December 18; in these latter counties, September 13, 15 and 17, from 4:00 p. m. until sunset, and thereafter, October 20 to December 13, from one-half hour before sunrise to sunset.

Virginia, September 16 to October 31.

*White-winged Dove.*—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, Willacy, Val-Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 13, 15 and 17 from 4:00 p. m. until sunset.

*Band-tailed pigeon.*—The open seasons on band-tailed pigeon shall be as follows; both dates inclusive:

Arizona and New Mexico, September 16 to October 15.

California, Oregon, and Washington, September 1 to September 30.

tain Migratory Game Birds", is amended to read as follows:

Ducks (except the American and Red-breasted mergansers) —Seven, including in such limit not more than 1 wood duck, and any person may possess not more than 14 ducks including not more than 1 wood duck.

The fourth paragraph of Regulation 5 is amended to read as follows:

Geese and Brant (except Snow Geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, in Wyoming, and in States bordering on the Atlantic Ocean; Canada Geese, including Hutchins and Cackling Geese, and White-fronted Geese in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, and Alabama; and Ross' Geese anywhere), as follows: Two of any kind in any combination, including brant, plus two snow geese or two blue geese singly or in the aggregate, and any person may possess not more than these limits.

The second paragraph of Regulation 6 "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended to read as follows:

Not more than the number of such birds permitted by regulation 5 to be taken by one person in 1 day, except American and Red-breasted mergansers, or in 2 days in the case of woodcocks and ducks (except wood ducks) shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken, or from Canada or Mexico into the United States.

The fifth paragraph of regulation 6 is amended to read as follows:

Migratory Game Birds Imported From Countries Other Than Canada and Mexico.—Migratory game birds of a species on which open seasons are prescribed by regulation 4, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 to be taken by one person in 1 day, except American and red-breasted mergansers, or in 2 days in the case of woodcocks, and ducks (except wood ducks) to any State, Alaska, or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska, or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska, or Puerto Rico, or the District of Columbia for an additional 90 days immediately succeeding such open season, if transportation and possession of such birds are not prohibited by such State, Alaska, or Puerto Rico and if transported in packages marked as hereinbefore provided.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 31st day of July 1946.

[SEAL]

J. A. KRUG,  
Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of August in the year of our Lord nineteen hundred and forty-six, [SEAL] and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,  
Acting Secretary of State.

[F. R. Doc. 46-13999; Filed, Aug. 12, 1946; 10:23 a. m.]

#### EXECUTIVE ORDER 9767

#### AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of the authority vested in me by section 1745 of the Revised Statutes of the United States (22 U.S.C. 127), it is hereby ordered as follows:

The Tariff of United States Foreign Service Fees, prescribed by section V-15 (22 CFR Cum. Supp. 105.15) of the Foreign Service Regulations of the United States (Executive Order No. 7968 of September 3, 1938, as amended by Executive Orders No. 8297 of December 4, 1939, No. 9303 of February 11, 1943, No. 9407 of December 17, 1943, No. 9507 of December 20, 1944, and No. 9591 of July 21, 1945) is amended as follows:

(a) Item No. 6 is amended by changing the last sub-item thereof to read: "For a certified copy of executed form for repatriation of native-born American women under the Nationality Act of October 14, 1940 (54 Stat. 1146; 8 U.S.C. 717 (b)) ----- \$1.00."

(b) Item No. 24, first exception thereunder, is hereby revoked.

(c) Item No. 24 is amended by changing the second exception thereunder to read: "Administering the oath of allegiance under the Nationality Act of October 14, 1940, as amended by the act of April 2, 1942, to a person who lost his citizenship by reason of military service with a country then at war with a country with which the United States was at war during the second World War (56 Stat. 198; 8 U.S.C. Supp. IV 723) ----- No fee."

(d) Item No. 24 is further amended by changing the third exception thereunder to read: "For administering the oath of allegiance under the Nationality Act of October 14, 1940, to a native-born American woman who lost her citizenship solely by marriage to an alien and The second paragraph of Regulation 5, "Daily Bag and Possession Limits on Cer-

whose marriage is terminated (54 Stat. 1146; 8 U.S.C. 717 (b)) ----- No fee."

HARRY S. TRUMAN

THE WHITE HOUSE,  
August 9, 1946.

[F. R. Doc. 46-13997; Filed, Aug. 12, 1946;  
10:17 a. m.]

## EXECUTIVE ORDER 9768

EXTENDING THE PROVISIONS OF EXECUTIVE ORDER NO. 9177 OF MAY 30, 1942, TO THE SECRETARY OF COMMERCE

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title 1 of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F.R. 4195) to the Secretary of Commerce; and, subject to the limitations contained in that order, I hereby authorize the Secretary of Commerce to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,  
August 9, 1946

[F. R. Doc. 46-13998; Filed, Aug. 12, 1946;  
10:17 a. m.]

## Regulations

### TITLE 5—ADMINISTRATIVE PERSONNEL

#### Chapter I—Civil Service Commission

#### PART 27—TEMPORARY CIVIL SERVICE REGULATIONS

#### APPOINTMENT WITHOUT COMPETITIVE EXAMINATION

Section 27.2 (h) (11 F.R. 1424) is amended to read as follows:

#### § 27.2 Classification of the service.

(h) *Appointment without competitive examination in rare cases.* Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that in the interest of good civil service administration the position cannot be filled through open competitive examination; or

(2) That the retention in the service of persons who have been serving during World War II in highly specialized scien-

tific, professional, or administrative positions is essential to the programs in which they are engaged.

Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. A detailed statement of the reasons for noncompetitive appointment under this section shall be made in the records of the Commission and shall be published in its annual report. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service, if he is not disqualified by any law, Executive order, or Civil Service regulation.

By the United States Civil Service Commission.

[SEAL] ARTHUR S. FLEMING,  
Acting President.

[F. R. Doc. 46-14015; Filed, Aug. 12, 1946;  
12:00 m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

#### PART 26—GRAIN STANDARDS

#### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, 1916 (7 U.S.C. 71 et seq.) certain amendments to the official grain standards of the United States (7 CFR Part 26) were promulgated and became effective after the required public notice had been given.

Inasmuch as these amendments have not been published in the FEDERAL REGISTER due to the fact that they were issued before such documents were required to be so published, it has been determined that they shall be published now. Therefore, *It is hereby ordered*, That the text of Title 7, Part 26, of the Code of Federal Regulations be amended as follows:

1. In § 26.101 Strick out the definition of wheat found in the second paragraph and insert in lieu thereof:

*Wheat.* Wheat shall be any grain which, before the removal of dockage, consists of 50 percent or more of wheat and not more than 10 percent of other grains for which standards have been established under the provisions of the United States Grain Standards Act, and which, after the removal of dockage, contains not more than 50 percent of broken kernels of grain of any size. The term wheat in these standards shall not include emmer, spelt, einkorn, Polish wheat, and poulard wheat.

2. In § 26.103 add a footnote reference (2) at Grade No. 4 as follows:

\*Wheat of this class that contains more than 10 percent of broken kernels of grain that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by  $\frac{3}{8}$  inch long shall not be graded higher than No. 4.

3. In §§ 26.103, 26.110, and 26.112 add a footnote reference (1) at Grade No. 4 as follows:

\*Wheat of this class that contains more than 10 percent of broken kernels of grain that will pass through a 20-gage metal sieve with slotted perforations 0.064 inch wide by  $\frac{3}{8}$  inch long shall not be graded higher than No. 4.

4. In § 26.106 add footnote reference (3) at Grade No. 4 as follows:

\*Wheat of each of these classes that contains more than 15 percent of broken kernels of grain of any size shall not be graded higher than No. 4.

5. In §§ 26.103, 26.106, 26.108, 26.110, and 26.112 strike out words "or more than 10 percent of cracked kernels" from the specifications for Sample grade in each of the tables of grade requirements.

6. In §§ 26.121, 26.158, 26.219, 26.263, 26.308, 26.358, 26.409, 26.504 and 26.563 paragraph (c) of each of these sections is amended to read as follows:

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcements No. 147 of the Bureau of Agricultural Economics of the United States Department of Agriculture, or ascertained by any device and method which give equivalent results in the determination of moisture.

7. In § 26.461 amend paragraph (c) to read as follows:

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the apparatus and the method of use thereof specified in the official grain standards of the United States for the kind of grain which predominates in the mixture.

8. In § 26.121 paragraph (i) is deleted.

9. In § 26.155 strike out the words "(corn and other grains)" under the heading "Damaged kernels"

10. In § 26.153 (h) and (i) strike out the words "and other grains."

11. In § 26.252 under the heading "Foreign material" insert 3 in lieu of 2 for Grade No. 2 and insert 4 in lieu of 3 for Grade No. 3.

12. In § 26.257 strike out the definition and insert in lieu thereof:

"Cereal oats" shall be any oats, whether sized, clipped, or natural, which contain more than 20 percent of oats and/or other matter except "Fine seeds" that will pass through a 20-gage metal sieve with slotted perforation 0.064 inch wide by  $\frac{3}{8}$  inch long.

13. In § 26.260 strike out definition and insert in lieu thereof:

"Smutty oats" shall be oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

14. In § 26.263 add paragraph (i) as follows:

(i) *Fine seeds.* Fine seeds shall include all matter which can be removed from oats by the use of a metal sieve perforated with equilateral triangular perforations the inscribed circles of which are  $\frac{1}{16}$  inch in diameter.



15. In § 26.306 strike out the definition and insert in lieu thereof:

"Smutty feed oats" shall be feed oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

16. In § 26.356 strike out the definition and insert in lieu thereof:

"Smutty mixed feed oats" shall be mixed feed oats which have the kernels covered with smut spores, or which contain smut masses and/or smut balls in excess of 0.2 percent.

17. In § 26.453 strike out paragraph (b) and insert in lieu thereof:

(b) The name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture, in the order of predominance; and

18. In § 26.455 strike out definition and insert in lieu thereof:

"Smutty mixed grain" shall be (a) mixed grain in which wheat or rye predominates, and which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (b) any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

19. In § 26.503 strike out the second paragraph and insert in lieu thereof:

The quantity of dockage shall be calculated in terms of percentage based on the total weight of the flaxseed including the dockage. Dockage shall be stated in terms of whole percent. A fraction of a percent shall be disregarded. The word "Dockage", together with the percentage thereof, shall be added to the grade designation.

20. In § 26.558 strike out the second paragraph and insert in lieu thereof:

Dockage shall be stated in terms of whole percent. A fraction of a percent shall be disregarded. The word "Dockage" together with the percentage thereof, shall be added to the grade designation.

21. In § 26.563 strike out paragraph (a) and insert in lieu thereof:

(a) *Basis of grade determinations.* Each determination of "cracked kernels, foreign material, and other grains," shall be upon the basis of the grain when free from dockage. Each determination of class, subclass, nongrain sorghums, damage, heat damage, and inseparable stones and/or cinders, shall be upon the basis of the grain when free from dockage and when free from that part of the "cracked kernels, foreign material, and other grains" which can be removed readily by the use of a metal sieve perforated with equilateral triangular perforations the inscribed circles of which are 5/64 inch in diameter. All other determinations shall be upon the basis of the grain as a whole.

Done at Washington, D. C., this 9th day of August 1946.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.  
[F. R. Doc. 46-14004; Filed, Aug. 12, 1946;  
11:11 a. m.]

#### PART 29—TOBACCO INSPECTION

##### DESIGNATION OF CLINTON, N. C., AS TOBACCO MARKET

Pursuant to the authority vested in the Secretary of Agriculture, the orders of designation of tobacco markets (7 CFR, Cum. Supp., 29.301, 9 F.R. 11571, 10 F.R. 11104; and 11 F.R. 7967) are amended by adding thereto at the end thereof the following:

§ 29.301 *Designation of tobacco markets.* \* \* \*

(y) *The tobacco market at Clinton, North Carolina.* Effective 30 days after August 9, 1946, no tobacco of any type shall be offered for sale at auction on the market at Clinton, North Carolina, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.) *Provided, however* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731, 7 U.S.C. 511 et seq., E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 9th day of August 1946.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 46-14003; Filed, Aug. 12, 1946;  
11:11 a. m.]

#### Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 15-20, Amdt. 1]

#### PART 1401—DAIRY PRODUCTS

##### CHEDDAR CHEESE

War Food Order No. 15-20 (11 F.R. 7400) is hereby amended by deleting § 1401.213 (b) and inserting, in lieu thereof, the following:

(b). *Percentage.* Each person who is required to set aside Cheddar cheese pursuant to the provisions of War Food Order No. 15, as amended, shall set aside (1) in the calendar month of July 1946 a quantity of Cheddar cheese equal to 40 percent of all Cheddar cheese produced by him in that month, and (2) in the calendar month of August 1946 a quantity

of Cheddar cheese equal to 0 percent of all Cheddar cheese produced by him in that month.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 15-20 prior to the effective time of the provisions of this amendment, all provisions of the said War Food Order No. 15-20 in effect prior to the effective time of the provisions of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal. (E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 15, as amended, 11 F.R. 4778, 5105, 6271)

Issued this 9th day of August 1946.

[SEAL] C. C. FARRINGTON,  
Acting Administrator, Production  
and Marketing Administration.

[F. R. Doc. 46-14002; Filed, Aug. 12, 1946;  
11:11 a. m.]

#### TITLE 19—CUSTOMS DUTIES

##### Chapter I—Bureau of Customs

[T.D. 51512]

#### PART 16—LIQUIDATION OF DUTIES

##### SPECIAL DUTIES ON ARTICLES IMPORTED UNDER AGREEMENTS IN RESTRAINT OF TRADE

Part 16, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 16), is hereby amended by adding at the end thereof new § 16.25 reading as follows:

§ 16.25 *Special duties on articles imported under agreements in restraint of trade.* Whenever it appears that imported articles may be subject to the special duties provided for in section 802, act of Sept. 8, 1916, 39 Stat. 799 (15 U.S.C. 73),<sup>19</sup> the collector shall report

<sup>19</sup> If any article produced in a foreign country is imported into the United States under any agreement, understanding, or condition that the importer thereof or any other person in the United States shall not use, purchase, or deal in, or shall be restricted in his using, purchasing, or dealing in, the articles of any other person, there shall be levied, collected, and paid thereon, in addition to the duty otherwise imposed by law, a special duty equal to double the amount of such duty. *Provided*, That the above shall not be interpreted to prevent the establishing in this country on the part of a foreign producer of an exclusive agency for the sale in the United States of the products of said foreign producer or merchant, nor to prevent such exclusive agent from agreeing not to use, purchase, or deal in the article of any other person, but this proviso shall not be construed to exempt from the provisions of this section any article imported by such exclusive agent if such agent is required by the foreign producer or if it is agreed between such agent and such foreign producer that any agreement, understanding, or condition set out in this section shall be imposed by such agent upon the sale or other disposition of such article to any person in the United States.

the matter to the Commissioner of Customs and await instructions with respect to the imposition of such duties. (Sec. 803, 39 Stat. 799; 15 U.S.C. 74)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved: August 7, 1946.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-14008; Filed, Aug. 12, 1946;  
11:21 a. m.]

[T. D. 51507]

PART 51—IMPORTATIONS AND EXPORTATIONS  
SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER 8389, AS AMENDED, AND PROCLAMATION 2497, REGARDING "BLOCKED NATIONALS"

#### LICENSING REQUIREMENTS

JULY 30, 1946.

Treasury Decision 50433 (6 F.R. 3672), as amended by Treasury Decision 50530 (6 F.R. 6585) Treasury Decision 50543 (7 F.R. 304) Treasury Decision 50600 (7 F.R. 2777) and Treasury Decision 51245 (10 F.R. 6502) is hereby further amended as follows:

1. Section 51.1 (19 CFR, 1945 Supp. 51.1) is deleted.

2. Section 51.2 (19 CFR, 1945 Supp. 51.2) is renumbered § 51.1 and is amended to read:

§ 51.1 *Presentation of license before acceptance of entries for consumption, etc.* Except as otherwise directed, Treasury licenses shall not be required with respect to the entry, withdrawal, or exportation of merchandise notwithstanding General Ruling No. 11,<sup>2</sup> as amended, or that the consignee, consignor, or other person having an interest in the merchandise, or in the transaction, is a foreign country designated in Executive Order No. 8389, as amended,<sup>3</sup> or a national thereof.

3. Section 51.3 (19 CFR, 1945 Supp. 51.3) is renumbered § 51.2.

(40 Stat. 415, as amended; 54 Stat. 714, as amended; 12 U.S.C. and Sup. 95a, 50 U.S.C. App. Sup., 701; E.O. 8389, as amended, April 10, 1940; and Proc. 2497, July 17, 1941)

[SEAL] O. MAX GARDNER,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-13667; Filed, Aug. 6, 1946;  
1:42 p. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### PART 105—ACCOUNTS

##### TARIFF OF U. S. FOREIGN SERVICE FEES

CROSS REFERENCE: For an amendment to § 115.5 see Executive Order 9727, *supra*.

<sup>2</sup> 31 CFR, Supps., App. A to Part 131.

<sup>3</sup> 3 CFR, Cum. Supp.

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter C—Miscellaneous Excise Taxes

[T. D. 5529]

#### PART 183—PRODUCTION OF DISTILLED SPIRITS

##### MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 3176 of the Internal Revenue Code (U.S.C., Title 26, section 3176), Regulations 4. "Production of Distilled Spirits" (26 CFR, Part 183), are hereby amended as follows:

##### MANUFACTURE OF DISTILLED SPIRITS

2. Section 183.214 is amended to read as follows:

§ 183.214 *Gauging of unfinished spirits.* At distilleries where spirits, in the course of distillation, are run into tanks in the distillery building for temporary deposit preparatory to completing the distillation thereof, and where twenty-four-hour supervision is maintained by the storekeeper-gauger, a daily gauge of such spirits will not be required. Where twenty-four-hour supervision is not maintained, the storekeeper-gauger, prior to leaving the premises, will gauge (measure and proof) the spirits retained in each tank, make an office record of the quantity and proof of the spirits therein, and attach locks in accordance with § 183.418; *Provided*, That where such tanks are enclosed in a room or building equipped for locking in accordance with § 183.24, such room or building will be locked in lieu of gauging the unfinished spirits. Upon his return to the premises the storekeeper-gauger will gauge the spirits in the tanks previously gauged and compare the quantity and proof with the office record. Any material discrepancy will be reported immediately to the district supervisor. Except as provided in §§ 183.375 to 183.384, inclusive, unfinished spirits may not be stored in such tanks but may be deposited therein only temporarily in the course of distillation. At the close of the month the storekeeper-gauger will make an accurate gauge of all unfinished spirits on hand and report the total quantity on Form 1592. Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, collected for destruction or for removal for denaturation, in accordance with the provisions of §§ 183.225 to 183.255, inclusive, will be included in the report of inventory of unfinished spirits on Form 1592 until such distillates are destroyed or removed for denaturation. (Sec. 3176, I.R.C.)

##### COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS FROM DISTILLERY

3. Section 183.245 is amended to read as follows:

§ 183.245 *Storekeeper-gauger's records.* Distillates collected for destruction or for removal for denaturation will be included by the storekeeper-gauger in the inventory of unfinished spirits reported on Form 1592 until gauged and destroyed or removed for denaturation,

whereupon appropriate entries will be made on such form covering disposition of such distillates. (Secs. 2916, 3176, I.R.C.)

4. Section 183.246 is amended to read as follows:

§ 183.246 *Distiller's records.* Distillates collected for destruction or for removal for denaturation will be included by the distiller in the inventory of unfinished spirits reported on Form 1593 until gauged and destroyed or removed for denaturation, whereupon appropriate entries will be made on such form covering the disposition of such distillates. (Secs. 2916, 3176, I.R.C.)

5. Section 183.251 is amended to read as follows:

§ 183.251 *Supervision of removal.* All distilled water when drawn into packages for removal, or when removed by pipe line, must be inspected by the storekeeper-gauger and removed under his immediate supervision. The distiller will enter all removals of distilled water on Form 1593, as indicated by the columns and lines provided therefor and in accordance with the instructions on the form. (Sec. 3176, I.R.C.)

6. Paragraphs (g) and (h) of § 183.254 are amended to read as follows:

(g) *Record of removal.* The storekeeper-gauger will prepare Form 1520 covering removals of fusel oil. Such removals will be entered on Forms 1592 and 1593 as indicated by the columns and lines and instructions on the form.

(h) *Disposition of washwater.* The water used for washing or purifying the oil in the tanks may be conveyed directly to the still, or it may be run into a tank, the beer well, or into the sewer, or it may be otherwise destroyed on the premises under the supervision of the storekeeper-gauger. If the washwater is run into the still, tank, or beer well, the quantity will not be entered on Form 1592 or 1593. If the washwater is run into the sewer or otherwise destroyed, the alcoholic content and quantity will be reported on Form 1520 and included in the report of production on Forms 1592 and 1593. (Sec. 3176, I.R.C.)

7. Section 183.255 is amended to read as follows:

§ 183.255 *Procedure.* Carbon dioxide may be recovered from fermenters and removed from distillery premises, provided it is first thoroughly washed or scrubbed and purified to remove the alcohol therefrom. Where carbon dioxide is recovered, the washwater may be collected in a receiving tank and transferred by pipe line to a fermenter or to the beer well. Where the washwater is transferred to the fermenter, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where the washwater is transferred to the beer well after the calculated yield has been determined, the alcoholic content, the number of gallons, and the calculated yield thereof, will be determined by the storekeeper-gauger and interlined in Part 1 of Form 1592. An approved ebulliometer shall be used in determining the alcoholic con-

tent of the washwater. The number of gallons will also be interlined in Part 1 of Form 1598. If the washwater is not utilized in the manufacture of distilled spirits, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger. Entry of such disposition will not be made on Forms 1592 and 1598. (Sec. 3176, I.R.C.)

#### SAMPLES OF DISTILLED SPIRITS

8. Section 183.270 is amended to read as follows:

§ 183.270 *Office record.* The storekeeper-gauger will keep an office record of the samples taken, giving the date, number, quantity in wine and proof gallons, and the proof. If the distiller operates an internal revenue bonded warehouse on or contiguous to the distillery premises, the same record may be used for samples taken from the warehouse in accordance with governing regulations. The storekeeper-gauger will also report the total number and the quantity in wine and proof gallons of samples taken at the distillery during the month on Form 1592. (Sec. 3176, I.R.C.)

#### TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

9. Section 183.339 is amended to read as follows:

§ 183.339 *Storekeeper-gauger's records.* The storekeeper-gauger will enter all removals of distilled spirits from the distillery on Form 1592, as provided in §§ 183.394 to 183.398, inclusive. (Secs. 2877, 3176, I.R.C.)

10. Section 183.340 is amended to read as follows:

§ 183.340 *Distiller's records.* The distiller shall enter on Form 1598 all removals of distilled spirits from the distillery, as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. (Secs. 2841, 2859, 3176, I.R.C.)

#### LOSSES OF DISTILLED SPIRITS IN DISTILLERY

11. Section 183.349 is amended to read as follows:

§ 183.349 *Records.* Losses of spirits at the distillery will be reported by the storekeeper-gauger on Form 1592 and by the distiller on Form 1598. Entries shall be made as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. (Secs. 2841 (a), 2877, 3176, I. R. C.)

12. Section 183.350 is amended to read as follows:

§ 183.350 *Supervisor's account.* The district supervisor will make appropriate entry in his account, Form 1514 Supplemental, of losses occurring at the distillery. Where a claim is allowed for remission of tax on spirits lost at the distillery, the district supervisor will take credit for the allowance in his account, Form 1514 Supplemental, upon receipt from the Commissioner of notice of the allowance. (Sec. 3176, I. R. C.)

#### ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR FRUIT DISTILLERY

13. Section 183.381 is amended to read as follows:

§ 183.381 *Completion of records.* The outgoing distiller will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1592, as to the removal of basic materials from the premises, or the transfer of basic materials and mash and beer in process to the successor, as the case may be, and the removal of all spirits produced by the outgoing distiller. If distillates collected in accordance with §§ 183.225 to 183.255, inclusive, or unfinished spirits are retained on the premises in locked tanks as provided in §§ 183.377 and 183.377a, a notation will be made on Form 1598 under "Special Operations or Conditions," that such distillates or unfinished spirits are temporarily retained on the premises pending resumption of operations as a registered distillery. The storekeeper-gauger will make a similar notation on his Form 1592 for such distiller. The distiller and storekeeper-gauger will continue to file monthly reports on Forms 1598 and 1592, respectively, during the period such distillates or unfinished spirits are retained on the distillery premises. Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 1598 and the same Form 1592, but appropriate notations will be made on the separating lines on each form to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the names under which it was so operated. (Secs. 2841 (a), 3176, I. R. C.)

#### CHANGE OF PERSONS INTERESTED IN BUSINESS

14. Section 183.388 is amended to read as follows:

§ 183.388 *Records.* The outgoing distiller shall enter on his record, Form 1598, all materials and all unfinished spirits outside the cistern room transferred to his successor, who shall in turn enter such items on his record, Form 1598, as received from his predecessor. Where the change in proprietorship is of a permanent nature, the outgoing distiller shall complete Form 1598 and submit a final report on such form to the district supervisor. Appropriate notations will be made on such final report showing the change in proprietorship and the date thereof. Where the distillery is operated under alternating proprietorships, each proprietor shall keep a separate Form 1598. When operations are conducted by the same proprietor in two or more periods during the same month, the operations by such proprietor will be entered on the same Form 1598, appropriate notations being made on the separating lines to show the names of the alternating proprietors and the dates the distillery was operated by them. At the end of the month, report will be submitted to the district supervisor on such form in accordance with

§§ 183.399 to 183.407, inclusive. The storekeeper-gauger will keep records and render returns on Form 1592, in accordance with the procedure prescribed herein for the keeping of records and rendering of reports on Form 1598 by the distiller. (Secs. 2841 (a), 2877, 3176, I.R.C.)

15. Section 183.389 is amended to read as follows:

§ 183.389 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary shall make appropriate notation on Form 1598 of his succession, and the date thereof, and the storekeeper-gauger will make a similar notation on Form 1592. (Sec. 3176, I.R.C.)

#### STOREKEEPER-GAUGER'S RECORDS AND REPORTS

16. Section 183.395 is hereby revoked.

17. Section 183.396 is amended to read as follows:

§ 183.396 *Monthly records.* The storekeeper-gauger's monthly record on Form 1592 will be filed as a permanent record in the Government office, in bound files, and in monthly sequence. It will be kept available for inspection by visiting internal revenue officers. (Sec. 3176, I.R.C.)

#### DISTILLER'S RECORDS AND REPORTS

18. Section 183.402 is amended to read as follows:

§ 183.402 *Record of removal of bulk spirits, Form 1598.* Every proprietor of a registered distillery shall keep a daily record on Form 1598 of all bulk distilled spirits shipped from the distillery, including impure distillates removed from the distillery premises for denaturation. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form. (Secs. 2859, 3176, I.R.C.)

19. Section 183.404 is amended to read as follows:

§ 183.404 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns and in accordance with the instructions printed on the forms, not later than the close of business of the day on which the transactions occur: *Provided,* That where the proprietor of a tax-paid premises keeps a separate record, such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52 or Form 52E, daily entries of removals of spirits from the premises may be made on the respective record not later than the close of business of the following business day, provided such separate record is approved by the district supervisor. (Secs. 2857, 3176, I.R.C.)

20. Section 183.406 is amended to read as follows:



§ 183.406 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52E (Parts 1 and 2) on Forms 52A, 52B, and 52E (Parts 1 and 2) with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52E:

I hereby certify that these transcripts, consisting of \_\_\_\_ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 and Form 52E in accordance with the provisions of § 183.404. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Form 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer. (Secs. 2857, 2859, 3176, I.R.C.)

21. Section 183.407 is amended to read as follows:

§ 183.407 *Forms to be provided by users.* Record 52 and Forms 52A, 52B, 52E, and 338 will be provided by users at their own expense but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further* That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the flyleaf of the book, instead of on the individual form. (Sec. 3176, I.R.C.)

#### DISTRICT SUPERVISOR'S ACCOUNT OF REGISTERED DISTILLERY

22. Section 183.408 is amended to read as follows:

§ 183.408 *Form 1514—Supplemental.* Each district supervisor will render a monthly account on Form 1514—Supplemental of operations at registered distilleries for each State within his supervisory district. The required data will be obtained from Forms 1592. Entries shall be made as indicated by the headings of the various columns and lines, and in accordance with the instructions

on the form. Form 1514—Supplemental will be prepared in duplicate and one copy thereof, with one copy of each Form 1592 pertaining thereto, will be forwarded to the Commissioner not later than the last day of the month succeeding that for which rendered. The remaining copy will be retained by the district supervisor. (Sec. 3176, I.R.C.)

#### VOLUNTARY DESTRUCTION OF SPIRITS

23. Section 183.452 is amended to read as follows:

§ 183.452 *Destruction.* Spirits authorized to be destroyed will be gauged by the storekeeper-gauger and reported for that purpose on Form 1520, in triplicate. Following such gauge, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the distiller, retain one copy for his files, and forward one copy to the district supervisor. He will report such destruction on Form 1592 in the manner prescribed by the form. (Secs. 2901, 3170, 3176, I.R.C.)

24. These regulations shall take effect November 1, 1946.

JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: August 8, 1946.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-13915; Filed, Aug. 9, 1946;  
11:50 a. m.]

[T. D. 5527]

#### PART 185—WAREHOUSING OF DISTILLED SPIRITS

##### MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of sections 2857, 2859, 2877, 2904, 2910, 2915, 3170, 3176, and 3953, Internal Revenue Code (U.S.C., title 26, sections 2857, 2859, 2877, 2904, 2910, 2915, 3170, 3176, and 3953) §§ 185.184, 185.270, 185.365, 185.369, 185.377, and 185.474, of Regulations 10, are hereby amended to read as follows:

##### STORAGE OF DISTILLED SPIRITS IN WAREHOUSE

##### *Expiration of 8-Year Period*

§ 185.184 *Examination of records.* During June and December of each year the storekeeper-gauger will examine Forms 1621 to determine whether the 8-year period of storage in bond on any spirits still in the warehouse will expire during the ensuing 6-month period. Where the examination of Forms 1621 shows that there are such spirits still in the warehouse, the storekeeper-gauger will ascertain the date of the original entry for deposit thereof from Form 1520 or Form 1619 if the spirits are in packages or other bulk containers, or from Form 1620 if the spirits are in cases, and will determine the date of the expiration of the 8-year bonded period of all such spirits. The storekeeper-gauger will

make a list of all such packages or cases, showing the date of the expiration of the bonded period of storage of each. Where spirits of different dates of production in the same distilling season are mingled at the time of bottling, the bonded period of storage for such spirits will begin to run from the date of the original entry for deposit of the oldest spirits so mingled.

##### WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

§ 185.270 *Proprietor's record and report.* Form 52C. The proprietor of every internal revenue bonded warehouse shall enter all spirits removed from the warehouse on Form 52C, "Monthly Record and Report of Internal Revenue Bonded Warehouse," as provided in §§ 185.474 to 185.479, inclusive. (Sec. 2859, I.R.C.)

##### EXPORTATION OF DISTILLED SPIRITS FREE OF TAX

§ 185.365 *Records—(a) Report of packages removed for bottling.* The storekeeper-gauger will report the removal of the spirits from the bonded warehouse for bottling in bond for export on his monthly return, Form 1513, and the bottling of the spirits on Form 1515 and Form 1516, in accordance with the regulations governing the bottling of distilled spirits in bond. When the spirits have been bottled and cased, they will be returned to the storage portion of the bonded warehouse. These spirits need not be maintained in a separate room or building, but shall be kept separate and apart from all other distilled spirits stored in the warehouse. The storekeeper-gauger shall report the quantity so deposited on Form 1516.

(b) *Report of cases filled and re-deposited.* After the distilled spirits have been bottled and the cases returned to the storage portion of the bonded warehouse, the storekeeper-gauger will execute his report of cases filled and deposited in the bonded warehouse on Forms 655 and 1620. One copy of Form 655, together with Form 1520 covering the regauge of the packages, will be forwarded to the district supervisor. The storekeeper-gauger will retain Form 1620. Remnants remaining after bottling distilled spirits in bond for export shall be disposed of as provided in the regulations governing the bottling of distilled spirits in bond, and appropriate notations made on Forms 655 and 1515 and also on Form 1620 if the remnants are returned to the storage portion of the warehouse. (Secs. 2904, 2910, 2915, I.R.C.)

§ 185.369 *Records.* When the spirits have been removed from the storage portion of the warehouse, the storekeeper-gauger shall make appropriate entries on Form 1513, and the proprietor on Form 52C. (Sec. 2904, I.R.C.)

§ 185.377 *Records.* The removal of the spirits from the cistern room for deposit in the internal revenue bonded warehouse shall be reported on the storekeeper-gauger's monthly return, Form 1592. The deposit of the spirits in the warehouse shall be reported on the storekeeper-gauger's monthly return, Form 1513, and the district supervisor's monthly account, Form 1514. (Secs. 2877, 2915, 3170, 3953, I.R.C.)

## RECORDS AND REPORTS OF PROPRIETOR

§ 185.474 *Record of removals from warehouse, Form 52C.* Every proprietor of an internal revenue bonded warehouse shall keep a daily record on Form 52C, "Monthly Record and Report of Internal Revenue Bonded Warehouse," of (a) all bulk and bottled-in-bond distilled spirits removed from the storage portion of the warehouse; (b) all bottled-in-bond distilled spirits removed for exportation from the bottling-in-bond department without being returned to the storage portion of the bonded warehouse; and (c) all tax-paid bottled-in-bond distilled spirits removed from the bottling-in-bond department. Entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions on the form. (Secs. 2857, 2859, I.R.C.)

2. These regulations shall take effect November 1, 1946.

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: August 8, 1946.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-13913; Filed, Aug. 9, 1946;  
11:50 a. m.]

[T. D. 5528]

PART 188—BOTTLING OF DISTILLED SPIRITS  
(OTHER THAN ALCOHOL) IN BOND

## MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of sections 2903, 2904, 2905, 2910, and 3176, Internal Revenue Code (U.S.C., title 26, sections 2903, 2904, 2905, 2910, and 3176) Regulations 6, "Bottling of Distilled Spirits in Bond" (26 CFR, Part 188) are amended as follows:

## CONSTRUCTION

2. Section 188.10 is amended to read as follows:

§ 188.10 *Export storage.* Where spirits are bottled in bond for temporary storage pending exportation free of tax, the cases need not be maintained in a separate room or building but shall be kept separate and apart from all other distilled spirits stored in the warehouse, in conformity with the provisions of Regulations 10 (26 CFR, Part 185)

TRANSFER OF SPIRITS TO BOTTLING-IN-BOND  
DEPARTMENT

3. Paragraph (a) of § 188.48 is amended to read as follows:

(a) *Removal of bottled spirits.* Upon completion of bottling, the filled bottles with labels and strip stamps properly affixed must be placed in cases marked in accordance with § 188.77 to 188.91, inclusive, the filled cases then sealed, after which such cases must be immediately removed from the bottling-in-bond department without being returned to the storage portion of the bonded warehouse if bottled for direct exportation. If the spirits are bottled for temporary storage before exportation, the bottled spirits must be immediately removed to the storage portion of the ware-

house pending withdrawal for exportation. (Secs. 2905, 2910, I.R.C.)

## DUMPING, REDUCING, AND BOTTLING

4. Section 188.65 is amended to read as follows:

§ 188.65 *Remnant cases of domestic spirits.* Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, the remnant will be placed in a case constructed in the same manner as the cases described in §§ 188.77 to 188.91, inclusive. The remnant case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R," thus: "100R" or "161R." If the next lot of spirits dumped for bottling is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department to the storage portion of the warehouse and appropriate entry made in the record. Such remnant case (a) may be tax-paid for domestic consumption; or (b) may be returned from the storage portion of the bonded warehouse to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling and (1) the bottles used for filling a complete case, or (2) the contents dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. In all cases when a remnant is disposed of as heretofore provided, notation will be made on Forms 1515 and 1518, showing the disposition of such remnant.

5. Section 188.66 is amended to read as follows:

§ 188.66 *Remnants of low-proof spirits.* Remnants of spirits resulting from overflow in filling bottles, and spirits which have deteriorated in proof by evaporation or repacking of filters, may be returned, under the immediate supervision of the storekeeper-gauger, to the dumping, reducing, dumping and reducing tank, or bottling tank, containing the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same distilling season and year. Distilled spirits so returned to the dumping, reducing, dumping and reducing, or bottling tank will be reported on Form 1515, "Application to Bottle Distilled Spirits in Bond," and Form 1516, "Storekeeper-Gauger's Monthly Return of Distilled Spirits Bottled in Bond."

6. Section 188.67 is amended to read as follows:

§ 188.67 *Remnants of distilled spirits bottled in bond for export.* Where there is less than a case of bottled spirits remaining from a lot of spirits bottled in

bond for export, the remnant will be placed in a case which must be marked and branded as prescribed by these regulations for marking cases of spirits bottled in bond for export, except as to the date of withdrawal and the names of the ports. If the next lot of spirits dumped for bottling in bond for export, or for domestic purposes, is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents, even though differing in proof, may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for exportation, or for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department to the storage portion of the warehouse and appropriate entry made in the record. Such remnant case (a) may be tax-paid for domestic consumption; or (b) may be returned from the storage portion of the bonded warehouse to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling in bond for exportation or for domestic purposes and (1) the bottles used for filling a complete case or (2) the contents, even though differing in proof, dumped into the bottling tank and mingled with such other spirits for bottling in bond for export or for domestic purposes.

(a) *Indicia bottles.* Liquor bottles conforming to § 188.70 must be used in the event the remnant is to be returned to the storage portion of the warehouse for taxpayment or for subsequent disposition as bottled-in-bond spirits for domestic consumption.

(b) *Labels, stamps, marks, and brands.* The bottles must be properly labeled. Where export remnants are used for filling a complete case of spirits bottled in bond for domestic consumption, the export strip stamps must be replaced by the domestic bottled-in-bond stamps. Where export remnants are tax-paid, the export stamps on the bottles must be replaced by red strip stamps, purchased pursuant to Form 428, unless the spirits are 100 degrees proof and have remained in wooden containers as required by these regulations for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits, in which event they may be stamped with domestic bottled-in-bond stamps. The removal of the export stamps and the affixing of the red strip stamps or the domestic bottled-in-bond stamps, as the case may be, will be under the immediate supervision of the storekeeper-gauger. Remnant cases must be marked and branded as required by the regulations governing the bottling of tax-paid spirits (Regulations 11 (26 CFR, Part 189)) or these regulations governing the bottling of spirits in bond for domestic purposes, as the case may be.

(c) *Records.* In all cases where a remnant is disposed of as heretofore provided, notation will be made on Form 1515, and Form 206 or Forms 655 and

1620, as the case may be, showing the disposition made of such remnant. (Secs. 2800, as amended, 2803, 2871, I.R.C., Sec. 505, 49 Stat. 1965; 27 U.S.C., Sup., 205.)

7. Section 188.69 is amended to read as follows:

§ 188.69 *Remnant cases of spirits bottled in bond for export returned to bottling-in-bond department.* When remnant cases of spirits bottled in bond for export are to be returned to the bottling-in-bond department from the storage portion of the warehouse for use in filling a complete case, they will be included in the application, Form 206 or Form 655, as the case may be, covering the withdrawal of bulk containers for bottling for export.

#### STAMPS

8. Section 188.107 is amended to read as follows:

§ 188.107 *Application, Form 1515.* Application for export strip stamps will be made on Form 1515, in duplicate, to the storekeeper-gauger in charge of the warehouse for the necessary export strip stamps to cover the bottles of spirits to be filled. If the number and denomination of stamps requested by the proprietor are necessary to cover the quantity of spirits to be bottled, the storekeeper-gauger will issue the stamps and make the necessary entry on his record of stamps, Form 1606. Upon completion of the bottling, the details of the statement "Cases Filled," on Form 1515, will be filled in by the storekeeper-gauger in accordance with the instructions printed on the form, and one copy will be forwarded to the district supervisor. An appropriate entry will also be made of the cases filled on Form 206, or Form 655, and Form 1620, in accordance with the instructions printed on these forms. (Sec. 2905, I.R.C.)

#### STOREKEEPER-GAUGER'S FILES

9. Section 188.120 is amended to read as follows:

§ 188.120 *Monthly report, Form 1516.* The storekeeper-gauger in charge of the bottling-in-bond department will keep a monthly record on Form 1516, "Storekeeper-Gauger's Monthly Return of Distilled Spirits Bottled in Bond," of all distilled spirits received in, and withdrawn from, the bottling-in-bond department. Entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions on the form. The storekeeper-gauger will prepare and forward two copies of the record to the district supervisor before the 5th day of the month succeeding that for which rendered: *Provided*, That the district supervisor may extend the time for filing the return to the 10th of such month in the case of bottling-in-bond departments where there are numerous transactions. The record will be kept in bound form available for inspection by Government officers.

#### DISTRICT SUPERVISOR'S MONTHLY ACCOUNT

10. Section 188.123 is amended to read as follows:

§ 188.123 *Monthly account, Form 1517.* Each district supervisor will render a

monthly account on Form 1517, "District Supervisor's Account of Distilled Spirits Bottled in Bond," of transactions at bottling-in-bond departments of internal revenue bonded warehouses, for each State within his district. The required data will be obtained from audited Forms 1516. Entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions on the form. Form 1517 will be prepared in duplicate, and one copy, with the supporting copies of Form 1516, will be forwarded to the Commissioner not later than the last day of the month succeeding the month for which rendered. The remaining copy will be retained by the district supervisor.

11. These regulations shall take effect November 1, 1946.

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: August 8, 1946.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-13914; Filed, Aug. 9, 1946;  
11:50 a. m.]

## TITLE 31—MONEY AND FINANCE

### Chapter I—Monetary Offices, Department of the Treasury

#### PART 80—THE NEWLY-MINED DOMESTIC SILVER REGULATIONS OF JULY 6, 1939, AS AMENDED

Sec.	Scope.
80.1	Scope.
80.2	Authority for regulations.
80.3	Definitions.
80.4	Forms.
80.5	Revocation or modification.
80.6	Silver which will be received.
80.7	Affidavits.
80.8	Evidence which may be demanded.
80.9	Settlement for silver delivered.
80.10	Records.
80.11	Reports.
80.12	Agreement relating to records.
AUTHORITY: §§ 80.1 to 80.12 issued under F3 Stat. 998; 31 U.S.C. 316c.	

§ 80.1 *Scope.* This part relates to the receipt and coinage by the United States coinage mints of silver mined in the United States or any place subject to the jurisdiction thereof pursuant to the provisions of section 4 of the act of July 6, 1939, as supplemented by the act of July 31, 1946.

§ 80.2 *Authority for regulations.* This part is issued under section 4 of the act of July 6, 1939, as supplemented by the act of July 31, 1946.

§ 80.3 *Definitions.* As used in this part:

The term "person" means an individual, partnership, association, or corporation.

The term "United States coinage mints" means the following mints: United States Mint, Philadelphia, Pa., United States Mint, San Francisco, Calif., United States Mint, Denver, Colo. And whenever authority is conferred in these regulations upon a "mint" such authority is conferred upon the person locally in charge of the mint, acting in accordance with instructions of the

Director of the Mint or the Secretary of the Treasury.

§ 80.4 *Forms.* Any form, the use of which is prescribed in this part, may be obtained at any United States mint or assay office or at the Treasury Department, Washington, D. C.

§ 80.5 *Revocation or modification.* The provisions of this part may be revoked or modified at any time.

§ 80.6 *Silver which will be received.* The United States coinage mints, under the conditions hereinafter specified, and subject to the appropriate regulations governing the mints, will receive silver which any such mint is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

Such mints will also receive silver which forms a part of a mixture of domestic, secondary, and/or foreign silver; *Provided*, Such mints are satisfied that:

(a) The aggregate amount of such mixture so received does not exceed the amount of such mixture which has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof and, *Provided further* That such mints are satisfied that,

(b) The aggregate amount of such mixture so received pursuant to the act of July 31, 1946, supplementing the act of July 6, 1939, does not exceed the amount of such mixture which has been mined after July 1, 1946 from natural deposits in the United States or any place subject to the jurisdiction thereof.

§ 80.7 *Affidavits.* (a) Every person delivering under the provisions of this part, silver which does not meet the requirements of the act of July 31, 1946, supplementing the act of July 6, 1939, shall file with each delivery a properly executed affidavit on form TSA-1 and supporting affidavit or affidavits of the miner or miners on form TSA-2 or TSA-2A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

(b) Every person delivering under the provisions of these regulations silver which is offered pursuant to the act of July 31, 1946, supplementing the act of July 6, 1939, shall file with each delivery a properly executed affidavit on form TSA-10 and supporting affidavit or affidavits of the miner or miners on form TSA-20 or TSA-20A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

(c) Affidavits on forms TSA-20 and TSA-20A which are not received by a United States coinage mint in time to qualify the silver for receipt under the act of July 31, 1946, supplementing the act of July 6, 1939, will be accepted under § 80.7 (a) in lieu of the affidavits on forms TSA-2 and TSA-2A. *Provided*, That a properly executed affidavit on form TSA-1 is furnished.

§ 80.8 *Evidence which may be demanded.* Persons delivering silver under the provisions of this part shall fur-

nish such further evidence as may from time to time be requested by any United States coinage mint or the Director of the Mint, including affidavits, sworn reports, and sworn abstracts from books of account of any mines or any or all smelters or refineries handling such silver.

§ 80.9 *Settlement for silver delivered.* (a) The Director of Mint, pursuant to the consent of the owner as given in the agreement executed on form TSA-1, shall retain of the silver so delivered, 45 percent as seigniorage for services performed by the Government of the United States, and the balance of such silver so received, that is, 55 percent thereof, shall be coined into standard silver dollars and the same, or an equal number of other standard silver dollars, (or, at the option of the owner of the silver so delivered, silver certificates or any other coin or currency of the United States in an amount in dollars equal to such standard silver dollars) shall be delivered to the owner of such silver. Any fractional part of one dollar due hereunder shall be returned in any legal tender coin of the United States.

(b) The Director of the Mint, pursuant to the consent of the owner as given in the agreement executed on form TSA-10, shall, in the case of such silver mined after July 1, 1946 and tendered within one year after the month in which the ore from which the silver is derived was mined, retain of the silver so delivered, 30 percent as seigniorage for services performed by the Government of the United States, and the balance of such silver so received, that is, 70 per cent thereof, shall be coined into standard silver dollars and the same, or an equal number of other standard silver dollars (or, at the option of the owner of the silver so delivered, silver certificates or any other coin or currency of the United States in an amount in dollars equal to such standard silver dollars) shall be delivered to the owner of such silver.

§ 80.10 *Records.* Every person delivering silver under these regulations, and every person owning or operating a smelter or refinery at which silver to be delivered under this part is mixed with secondary or foreign silver, or both, shall keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939 and July 1, 1946, including, among other things, records of the date when such silver was mined, acquired, and disposed of. Such records shall be preserved for at least 1 year after the last delivery and made available for examination by a representative of the Director of the Mint upon the request of such representative.

§ 80.11 *Reports.* Every person delivering under this part, silver which does not meet the requirements of the act of July 31, 1946, supplementing the act of July 6, 1939, shall file with the Director of the Mint, on or before the 25th day of the month after the date such delivery is made, a report on form TSA-3 covering the period since the last report on Form TSA-3 was filed with the Director of the Mint, *Provided*, That the first report shall cover the period from July 1, 1939, to the end of the calendar month

preceding the date of the report. Every person delivering under this part, silver which has been mined after July 1, 1946, and which is tendered pursuant to the act of July 31, 1946, supplementing the act of July 6, 1939, within one year after the month in which the ore from which the silver is derived was mined, shall file with the Director of the Mint on or before the 25th day of each month after the date the first delivery is made, a report on form TSA-30 covering the preceding calendar month, *Provided*, That the first report shall cover the period from July 1, 1946, to the end of the calendar month preceding the date of the report.

§ 80.12 *Agreement relating to records.* Every person delivering under this part, silver which has been mixed with secondary or foreign silver, or both, at a smelter or refinery other than that of the person making the delivery, shall, upon request by any United States coinage mint or the Director of the Mint, also file with each delivery of such silver an agreement properly executed under oath by a duly authorized officer of such other smelter or refinery, that the records will be kept as provided in this part, and that such records will be available for examination by a representative of the Director of the Mint for at least 1 year after the last delivery.

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

Form TSA-10  
Treasury Department  
Office of the Secretary

AFFIDAVIT AND AGREEMENT BY OWNER RELATIVE  
TO SILVER MINED SUBSEQUENTLY TO JULY 1,  
1946

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

In accordance with the provisions of the Regulations issued by the Secretary of the Treasury under section 4 of the act of July 6, 1939, as supplemented by the act of July 31, 1946, the undersigned hereby represents and certifies under oath that he is the \_\_\_\_\_ of \_\_\_\_\_,

(Title of officer) (Name of owner)  
the owner of certain silver to the amount of \_\_\_\_\_ fine troy ounces, more or less, forwarded to the United States Mint at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, and tendered to the Mint under the provisions of said Regulations within one year after the month in which the ore from which it is derived was mined, and that said silver<sup>1</sup>

(1) Has been mined subsequently to July 1, 1946, from natural deposits in the United States or a place subject to the jurisdiction thereof, or

(2) Is part of a mixture of domestic, secondary and/or foreign silver and does not, together with all silver mined subsequently to July 1, 1946, from natural deposits in the United States or a place subject to the jurisdiction thereof, which was in such mixture and which has been:

(a) Heretofore delivered or transferred by the undersigned to a United States coinage mint under said Regulations; or

(b) Delivered together with affidavits on Form TSA-20, or TSA-20A, to consignees other than a United States mint; or

(c) Lost in process, or otherwise disposed of exceed the amount of silver which has been mined subsequently to July 1, 1946, which has entered into such mixture and is eligible for deposit under said Regulations.

<sup>1</sup> Strike out clause (1) or (2), whichever is inapplicable.

The owner is filing herewith supporting affidavits by the miners, and agrees to furnish such additional evidence as may hereafter be demanded by the Secretary of the Treasury, including affidavits and sworn abstracts from books of account of any or all reduction works handling such silver.

The owner hereby voluntarily consents that the Mint may deduct and retain of such silver so received thirty percent as seigniorage for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The owner also consents to accept from the Mint in standard silver dollars, silver certificates, or any other coin or currency of the United States, the monetary value of the silver so received (that is, \$1.2020 a fine ounce), less such deduction of thirty percent.

The owner represents and warrants that the silver is free and clear of all claims and encumbrances of any kind and that (it) (he) has the lawful right to deliver the same.

This affidavit is made for the purpose of inducing the said Mint to accept the silver described herein for coinage in accordance with the provisions of section 4 of the act of July 6, 1939, as supplemented, and the parts issued thereunder.

By \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Officer administering oath)  
My commission expires \_\_\_\_\_,  
[Notarial seal]

Form TSA-20  
Treasury Department  
Office of the Secretary

AFFIDAVIT OF MINER RELATIVE TO SILVER MINED  
SUBSEQUENTLY TO JULY 1, 1946

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

The undersigned, being duly sworn, deposes and says:

That he is the \_\_\_\_\_ of \_\_\_\_\_ (Title of officer)

\_\_\_\_\_, the owner of a mine (Name of mine owner)

known as \_\_\_\_\_, and situated at \_\_\_\_\_, that the said \_\_\_\_\_ (Name of mine owner)

has delivered to \_\_\_\_\_ (Mint, smelter, refiner, etc.)

located at \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_ fine ounces of silver which was mined during the month of \_\_\_\_\_, 19\_\_\_\_, from natural deposits at the said mine so located.

(Name)

(Address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Officer administering oath)

[Notarial seal]  
My commission expires \_\_\_\_\_.

Form TSA-20A  
Treasury Department  
Office of the Secretary

AFFIDAVIT OF MINER RELATIVE TO SILVER TAKEN  
SUBSEQUENTLY TO JULY 1, 1946, FROM MINE  
DUMPS AND TAILING PILES WHICH EXISTED AS  
SUCH ON MIDNIGHT, JULY 1, 1946

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

The undersigned, being duly sworn, deposes and says:

That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (he) \_\_\_\_\_ (State name of owner if other than individual)

\_\_\_\_\_ of which this affiant is \_\_\_\_\_ (State relationship to foregoing owner)

\_\_\_\_\_ delivered to \_\_\_\_\_

-----, located at  
(Mint, smelter, refiner, etc.)  
-----, State of -----  
----- fine ounces of silver; that all  
of said silver was taken during the month  
of -----, 194--, from an ore dump or  
dumps and/or a tailing pile or piles, which  
existed as such at midnight on July 1, 1946,  
and which consisted of ore and/or tailings  
that prior to that date had been piled upon  
the ground and reduction of the metal tem-  
porarily suspended either because of the low  
value thereof or the lack of necessary mining  
and reduction equipment; and that all of  
such silver was mined from natural deposits  
in the United States or place or places sub-  
ject to the jurisdiction thereof, to wit, from  
a mine or mines located at -----

(Affiants)

(Address)

Subscribed and sworn before me this  
----- day of -----, 19--

(Officer administering oath)

[NOTARIAL SEAL]

My commission expires -----

[F. R. Doc. 46-13964; Filed, Aug. 9, 1946;  
3:07 p. m.]

#### APPENDIX A TO PART 131—GENERAL RUL- INGS UNDER EXECUTIVE ORDER 3389, AS AMENDED

#### LICENSE REQUIREMENT FOR ENTRY, WITH- DRAWAL, OR EXPORTATION OF MERCHAN- DISE

CROSS REFERENCE: For an exception to  
the provisions of General Ruling 11 see  
paragraph 2 of Treasury Decision 51507  
appearing under Part 51 of Title 19,  
*supra*.

#### TITLE 32—NATIONAL DEFENSE

#### Chapter VIII—Office of International Trade, Department of Commerce

##### Subchapter B—Export Control [Amdt. 225]

#### PART 802—GENERAL LICENSES GIFT PARCELS

Section 802.29 *General license for gift  
parcels* is hereby amended in the follow-  
ing particulars:

Subparagraph (2) of paragraph (d)  
is amended to read as follows:

(2) *Shipments to Germany.* No gift  
parcels may be sent to Germany except  
to persons located in the United States  
occupied zone of Germany except Berlin  
or the British occupied zone of Germany,  
except Berlin, and then only in accord-  
ance with the following provisions:

(i) The gift parcel shall contain no  
commodity other than clothing, non-  
perishable foodstuffs, medicinals and  
vitamins, soaps and shaving creams.

(ii) Not more than one gift parcel  
may be sent from the same donor to the  
same donee in any one calendar month.

This amendment shall become effec-  
tive on August 12, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat.  
463; 58 Stat. 671, 59 Stat. 270; Pub. Law  
389, 79th Congress; E.O. 8900, 6 F.R.  
4795; E.O. 9361, 8 F.R. 9861, Order No. 1,  
8 F.R. 9938; E.O. 9380, 8 F.R. 13081, E.O.,

9630, 10 F.R. 12245; Order No. 390, 10  
F.R. 13130)

Dated: August 9, 1946.

JOHN C. BORTON,  
*Director,*

*Requirements and Supply Branch.*

[F. R. Doc. 46-13994; Filed, Aug. 9, 1946;  
4:24 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1305—ADMINISTRATION

[SO 174 (§ 1305.229)]

#### ADJUSTABLE PRICING OF IMPORTED WOOD- PULP AND ALL SALES OF NEWSPRINT

A statement of the considerations in-  
volved in the issuance of this supple-  
mentary order, issued simultaneously  
herewith, has been filed with the Divi-  
sion of the Federal Register.

SECTION 1. *Adjustable pricing of im-  
ported woodpulp and all sales of news-  
print.* (a) This supplementary order  
applies to imported woodpulp (as de-  
fined in Revised Maximum Price Regu-  
lation 114) and all sales of newsprint  
(as defined in Maximum Price Regula-  
tion 130)

(b) On and after August 8, 1946, in  
connection with imports of woodpulp  
and sales of newsprint, any seller of  
these commodities may agree with any  
buyer thereof to adjust the price to con-  
form to any adjusted maximum price  
which may be established by the Office  
of Price Administration prior to August  
30, 1946.

This order shall become effective Au-  
gust 8, 1946.

Issued this 8th day of August 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-13859; Filed, Aug. 8, 1946;  
4:23 p. m.]

#### PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7; Amdt. 21]

#### COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations in-  
volved in the issuance of this amend-  
ment has been issued simultaneously  
herewith and filed with the Division of  
the Federal Register.

Revised Price Schedule No. 7 is  
amended in the following respect:

Paragraphs (a) and (b) of § 1307.8a  
are amended to read as follows:

(a) Unless it is otherwise provided by  
the Administrator, for contracts made  
on and after August 5, 1946:

(1) The maximum price applicable to  
the delivery of any goods subject to this  
regulation shall be the maximum price  
applicable to the goods at the time the  
contract of sale is made, except that if  
delivery is not made within 120 days of

the date of making the contract the  
maximum price shall be the lower of (i)  
the ceiling price in effect at the time the  
contract was made or (ii) the ceiling  
price in effect at the time of delivery.

(2) For this purpose any amended or  
subsequent contract between the same  
parties covering all or part of the iden-  
tical goods shall be considered to have  
been executed on the same day as the  
initial contract; and

(3) No seller may use any escalator  
clause reserving to him the right to  
charge a price higher than the maxi-  
mum price applicable to the initial con-  
tract.

(b) Where a petition for amendment  
has been duly filed, and such petition  
requires extensive consideration, or  
where the Administrator is giving con-  
sideration to an increase in maximum  
prices, and it is determined that an ex-  
ception would be in the public interest  
pending such consideration, the Admin-  
istrator may grant an exception from  
the provisions of this section by issuing  
an order permitting the making of con-  
tracts adjustable upon the establishment  
of an increased price by the Administra-  
tor prior to such time as the order is re-  
voked.

This amendment shall become effec-  
tive as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
*Administrator.*

[F. R. Doc. 46-13951; Filed, Aug. 9, 1946;  
4:06 p. m.]

#### PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33; Amdt. 11]

#### COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations in-  
volved in the issuance of this amend-  
ment has been issued simultaneously  
herewith and filed with the Division of  
the Federal Register.

Maximum Price Regulation No. 33 is  
amended in the following respect:

Section 1307.53 (a) and (b) are  
amended to read as follows:

(a) Unless it is otherwise provided by  
the Administrator for contracts made on  
and after August 5, 1946:

(1) The maximum price applicable to  
the delivery of any goods subject to this  
regulation shall be the maximum price  
applicable to the goods at the time the  
contract of sale is made, except that if  
delivery is not made within 120 days of  
the date of making the contract the  
maximum price shall be the lower of  
(i) the ceiling price in effect at the time  
the contract was made or (ii) the ceiling  
price in effect at the time of delivery.

(2) For this purpose any amended or  
subsequent contract between the same  
parties covering all or part of the iden-  
tical goods shall be considered to have  
been executed on the same day as the  
initial contract; and

(3) No seller may use any escalator  
clause reserving to him the right to

<sup>17</sup> F.R. 1221, 2000, 2132, 2277, 2373, 2593,  
2737, 3160, 3551, 3664, 5491, 6949, 6732, 10463;  
8 F.R. 972, 6755, 9285, 11890, 12511, 14004;  
9 F.R. 10636, 11903, 12412; 10 F.R. 1141, 3532,  
14061; 11 F.R. 5023.

<sup>17</sup> F.R. 7557, 8348, 10370; 8 F.R. 2345, 3525,  
6769, 12497; 9 F.R. 10578, 11933, 14061; 11  
F.R. 1624, 5023.



charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13955; Filed, Aug. 9, 1946;  
4:07 p. m.]

[MPR 11<sup>1</sup> Amdt. 29]

PART 1316—COTTON TEXTILES  
FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 11 is amended in the following respect:

Section 1316.7 (a) is amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price

by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13954; Filed, Aug. 9, 1946;  
4:07 p. m.]

PART 1316—COTTON TEXTILES  
[RPS 35,<sup>1</sup> Amdt. 31]

CARDED GREY AND COLORED-YARN COTTON  
GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Price Schedule No. 35 is amended in the following respect:

Paragraphs (a) and (b) of § 1316.56 are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13952; Filed, Aug. 9, 1946;  
4:07 p. m.]

<sup>1</sup> 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7700, 9278, 10088, 10921; 10 F.R. 3876, 8129, 9669, 10293, 14063, 14505.

PART 1400—TEXTILE FABRICS, COTTON,  
WOOL, SILK, SYNTHETICS AND ADMIX-  
TURES

[MPR 118,<sup>1</sup> Amdt. 42]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 118 is amended in the following respect:

Section 1400.103 (a) and (b) are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery;

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13959; Filed, Aug. 9, 1946;  
4:06 p. m.]

PART 1412—SOLVENTS  
[MPR 36, Amdt. 7]

ACETONE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1412.66 (a) (5) (i) is amended to read as follows:

(i) Sales of fermentation acetone produced by Asociacion Azucera Coopera-

<sup>1</sup> 9 F.R. 2661, 3577, 4879, 5162, 11531, 12020, 13056, 14850; 10 F.R. 1141, 3090, 6307, 8977, 14062, 4339.

<sup>1</sup> 8 F.R. 12186, 12934; 9 F.R. 401, 1009, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3875, 8134, 8979, 10310, 14003, 15472; 11 F.R. 4329, 4667, 5314, 7132.

*tive Lafayette in Puerto Rico.* Maximum prices for sales of fermentation acetone produced in Asociacion Azucera Cooperativa Lafayette in Puerto Rico shall be 6¢ per pound in drums, delivered Baltimore, Maryland.

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14018; Filed, Aug. 12, 1946;  
11:54 a. m.]

#### PART 1412—SOLVENTS

[MPR 37, Amdt. 18]

##### BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (4) (i) of Appendix A is amended to read as follows:

(i) *Sales of normal fermentation butyl alcohol produced by Asociacion Azucera Cooperativa Lafayette in Puerto Rico.* Maximum prices for sales of normal fermentation butyl alcohol produced by Asociacion Azucera Cooperativa Lafayette in Puerto Rico shall be 31.5¢ per pound in drums, delivered Baltimore, Maryland.

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14019; Filed, Aug. 12, 1946;  
11:55 a. m.]

#### PART 1367—FERTILIZERS

[2d Rev. MPR 135, Amdt. 6]

##### RETAIL PRICES OF FERTILIZERS AND MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 135 is amended in the following respects:

1. Section 9 (b) is amended to read as follows:

(b) For sales of the above products to dealers in any area the maximum price shall be the consumer price for the area as provided in Appendix A less the same percentage differential that the seller had established between consumer prices and dealer prices on March 31, 1946. A seller who had established no differential between sales on March 31, 1946, shall allow for sales to dealers the same differential below maximum prices to consumers established by his most closely competitive seller on that date. If the product was not generally sold on March 31, 1946, the differential shall be the same as that established for the most nearly comparable product which was sold or offered for sale on March 31, 1946.

2. Section 10 (b) (1) is amended to read as follows:

#### (1) Schedule of deductions.

Export ports and schedules:

Searsport, Maine—B I.....	\$5.65
North Weymouth, Mass.—B II.....	5.65
Carteret, N. J.—C I.....	3.00
Philadelphia, Pa.—D I.....	3.35
Baltimore, Md.—G II.....	4.15
Norfolk, Va.—G II.....	4.00
Wilmington, N. C.—G III.....	4.00
Charleston, S. C.—G IV.....	4.00
Savannah, Ga.—G IV.....	4.00
Jacksonville, Fla.—H.....	5.55
Tampa, Fla.—H.....	5.55
Pensacola, Fla.—I.....	2.65
Mobile, Ala.—I.....	2.65
Gulfport, Miss.—J.....	2.40
New Orleans, La.—K I.....	3.20
Houston, Tex.—K I.....	2.40
Los Angeles, Calif.—Q I.....	1.60
San Francisco, Calif.—Q I.....	1.60

3. Paragraph (b) (3) (i) of Appendix A is amended to read as follows:

(3) (i) *Bag differentials.* There may be added the following amounts per ton for burlap bags:

	Schedule A, G, I, J, K and L	All other schedules
For 107- or 200-pound bags.....	\$1.25	\$1.25
For 125-pound bags.....	1.50	1.70
For 160-pound bags.....	1.80	2.00
For barrels.....	5.00	5.00

For the use of cotton bags, an additional \$1.00 per ton may be added to the above differentials.

4. Paragraph (a) of Schedule A of Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

Grade:	Price per ton
10-10-10.....	\$60.05
8-24-8.....	59.45
8-16-16.....	59.00
8-12-20.....	54.75
7-7-7.....	48.50
6-9-15.....	53.80
5-15-20.....	61.15
5-10-10.....	49.05
5-10-5.....	45.65
5-8-7.....	44.85
5-7-10.....	46.10
4-16-0.....	46.00
4-12-16.....	53.15
4-12-8.....	47.55
4-12-4.....	44.75
0-20-20.....	56.40
0-14-14.....	41.50
0-10-20.....	45.05
0-47-0.....	64.20
0-45-0.....	61.80
0-20-0.....	37.40
0-19-0.....	36.35
0-18-0.....	35.30
0-0-60—Muriate of potash.....	51.90
0-0-52—Sulphate of potash.....	46.50
0-0-50—Sulphate of potash.....	59.80
0-0-50—Sulphate of potash.....	59.20
0-0-48—Sulphate of potash.....	56.50
0-0-21.5—Sulphate of potash-magnesia.....	46.50
42-0-0—Urea compound <sup>1</sup> .....	81.10
33.5-0-0—Ammonium nitrate <sup>2</sup> .....	59.50
20.6-0-0—Calcium cyanamide <sup>3</sup> .....	61.80
20.5-0-0—Ammonium nitrate-lime compound <sup>4</sup> .....	57.30
20.5-0-0—Sulphate of ammonia <sup>5</sup> .....	43.15
16-0-0—Domestic nitrate of soda <sup>6</sup> .....	51.30
16-0-0—Imported nitrate of soda <sup>7</sup> .....	57.40
14-0-0—Nitrate of soda-potash <sup>8</sup> .....	67.40

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer

takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Maximum time price in bags f. o. b. producing point to which may be added the amounts set forth in paragraph (2) below.

<sup>3</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

5. Paragraph (a) of Schedule B to Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

[Price per ton]

Grade	Columns	
	I	II
10-10-10.....	\$60.05	\$63.25
8-24-8.....	59.45	72.75
8-16-16.....	59.00	62.00
8-12-20.....	54.75	64.50
7-7-7.....	48.50	67.50
6-9-15.....	53.80	67.50
5-15-20.....	61.15	64.45
5-10-10.....	49.05	51.65
5-10-5.....	45.65	51.65
5-8-7.....	44.85	51.65
5-7-10.....	46.10	51.65
4-16-0.....	46.00	51.65
4-12-16.....	53.15	62.15
4-12-8.....	47.55	61.60
4-12-4.....	44.75	61.60
0-20-20.....	56.40	62.10
0-14-14.....	41.50	47.55
0-10-20.....	45.05	47.55
0-47-0.....	64.20	61.60
0-45-0.....	61.80	61.60
0-20-0.....	37.40	38.50
0-19-0.....	36.35	38.50
0-18-0.....	35.30	38.50
0-0-60—Muriate of potash.....	51.90	51.15
0-0-52—Sulphate of potash.....	46.50	51.15
0-0-50—Sulphate of potash.....	59.80	51.15
0-0-50—Sulphate of potash.....	59.20	51.15
0-0-48—Sulphate of potash.....	56.50	51.15
0-0-21.5—Sulphate of potash-magnesia.....	46.50	51.15
42-0-0—Urea compound <sup>1</sup> .....	81.10	81.10
33.5-0-0—Ammonium nitrate <sup>2</sup> .....	59.50	59.50
20.6-0-0—Calcium cyanamide <sup>3</sup> .....	61.80	61.80
20.5-0-0—Ammonium nitrate-lime compound <sup>4</sup> .....	57.30	57.30
20.5-0-0—Sulphate of ammonia <sup>5</sup> .....	43.15	43.15
16-0-0—Domestic nitrate of soda <sup>6</sup> .....	51.30	51.30
16-0-0—Imported nitrate of soda <sup>7</sup> .....	57.40	57.40
14-0-0—Nitrate of soda-potash <sup>8</sup> .....	67.40	67.40
7-0-0—Carter pemco <sup>9</sup> .....	62.00	62.00
Tobacco grades only: <sup>10</sup>		
6-2-0.....		71.80
5-5-15.....		70.00
5-3-5.....		65.20
4-19-0.....		62.05

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (d) (1) below.

<sup>2</sup> Basis 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.00 per unit of ammonia varying from seven.

<sup>3</sup> Prices based on all potash from sulphate.

<sup>4</sup> Maximum time price in bags f. o. b. producing point to which may be added the amounts set forth in paragraph (2) below.

<sup>5</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

## 6. Paragraph (a) of Schedule C of Appendix A is amended to read as follows:

[Price per ton]				
Grade	Columns			
	I	II	III	IV
10-20-10.....	\$67.10	\$68.20	\$69.70	\$70.70
10-10-10.....	66.60	67.70	69.20	69.20
10-6-4.....	46.10			
8-10-10.....	62.30	63.40	64.90	65.80
8-16-8.....	58.40	59.50	61.00	62.00
7-14-14.....	56.35	57.45	58.95	59.95
7-7-7.....	44.15	45.25	46.75	47.75
0-18-0.....	52.05	53.15	54.65	55.65
0-12-12.....	50.25	51.35	52.85	53.85
0-12-6.....	45.35	46.45	47.95	48.95
5-10-15.....	48.40	49.50	51.00	52.00
5-10-10.....	44.20	45.30	46.80	47.80
5-10-5.....	40.40	41.50	43.00	44.00
4-16-0.....	39.50	40.60	42.10	43.10
4-12-8.....	42.05	43.15	44.65	45.65
4-12-4.....	39.05	40.15	41.65	42.65
4-8-12.....	41.55	42.65	44.15	45.15
3-12-6.....	38.15	39.25	40.75	41.75
3-9-15.....	42.30	43.40	44.90	45.90
3-9-12.....	40.00	41.10	42.60	43.60
0-20-20.....	54.30	55.40	56.90	57.90
0-19-10.....	51.75	52.85	54.35	55.35
0-16-8.....	36.00			
0-14-14.....	38.65	39.75	41.25	42.25
0-14-7.....	33.45			
0-12-12.....	35.45	36.55	38.05	39.05
0-10-20.....	39.70	40.80	42.30	43.30
0-47-0.....	65.30	66.40	67.90	68.90
0-20-0.....	29.20	30.30	31.80	32.80
0-19-0.....	27.95	29.05	30.55	31.55
0-18-0.....	28.55	29.65	31.15	32.15
0-0-60—Muriate of potash.....	53.95	55.05	56.55	57.55
0-0-50—Muriate of potash.....	48.35	49.45	50.95	51.95
0-0-52—Sulphate of potash.....	61.75	62.85	64.35	65.35
0-0-50—Sulphate of potash.....	60.05	61.15	62.65	63.65
0-0-48—Sulphate of potash.....	58.35	59.45	60.95	61.95
0-0-21.5—Sulphate of potash-magnesia.....	48.35	49.45	50.95	51.95
42-0-0—Urea compound <sup>1</sup> .....	82.65	83.75	85.25	86.25
33.5-0-0—Ammonium nitrate <sup>2</sup> .....	62.80	62.80	62.80	62.80
20.6-0-0—Calcium cyanamide <sup>3</sup> .....	61.25	62.35	63.85	64.85
20.5-0-0—Ammonium nitrate-lime compound <sup>4</sup> .....	55.25	56.35	57.85	58.85
20.5-0-0—Sulphate of ammonia <sup>5</sup> .....	45.55	46.65	48.15	49.15
16-0-0—Domestic nitrate of soda <sup>6</sup> .....	49.65	50.75	52.25	53.25
16-0-0—Imported nitrate of soda <sup>6</sup> .....	56.35	57.45	58.95	59.95
14-0-14—Nitrate of soda-potash <sup>7</sup> .....	65.35	66.45	67.95	68.95
7-0-0—Castor pomace <sup>8</sup> .....	35.95			

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Basis 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.50 per unit of ammonia varying from seven.

<sup>3</sup> Maximum time price in bags f. o. b. producing point to which may be added to the amounts set forth in paragraph (2) below.

<sup>4</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added to the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

## 7. Paragraph (a) of Schedule D of Appendix A is amended to read as follows:

(a) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

[Price per ton]				
Grade	Columns			
	I	II	III	IV
10-20-10.....	\$68.20	\$69.50	\$70.00	\$70.60
10-10-10.....	67.40	68.70	69.20	69.80
10-6-4.....	46.80	48.10	48.60	49.20
8-24-8.....	66.30	67.60	68.10	68.70
8-16-16.....	63.30	64.60	65.10	65.70
8-16-8.....	57.40	58.70	59.20	59.80
7-14-14.....	57.30	58.60	59.10	59.70
7-7-7.....	44.80	46.10	46.60	47.20
6-18-18.....	62.10	63.40	63.90	64.50
6-18-6.....	53.10	54.40	54.90	55.50

[Price per ton]

Grade	Columns			
	I	II	III	IV
6-12-12.....	\$51.10	\$52.40	\$52.90	\$53.50
6-12-6.....	46.20	47.50	48.00	48.60
5-20-10.....	57.70	59.00	59.50	60.10
5-15-20.....	55.50	56.80	57.30	57.90
5-15-15.....	54.00	55.30	55.80	56.40
5-15-5.....	45.70	47.00	47.50	48.10
5-10-15.....	49.20	50.50	51.00	51.60
5-10-10.....	45.00	46.30	46.80	47.40
5-10-5.....	41.20	42.50	43.00	43.60
4-16-0.....	40.40	41.70	42.20	42.80
4-12-20.....	52.60	53.90	54.40	55.00
4-12-12.....	45.90	47.20	47.70	48.30
4-12-8.....	42.90	44.20	44.70	45.30
4-12-4.....	39.90	41.20	41.70	42.30
4-8-12.....	42.30	43.60	44.10	44.70
3-12-6.....	39.00	40.30	40.80	41.40
3-9-15.....	43.00	44.30	44.80	45.40
3-9-12.....	40.80	42.10	42.60	43.20
0-24-12.....	55.70	57.00	57.50	58.10
0-20-20.....	55.30	56.60	57.10	57.70
0-19-19.....	52.70	54.00	54.50	55.10
0-16-8.....	36.80	38.10	38.60	39.20
0-14-14.....	39.60	40.90	41.40	42.00
0-14-7.....	34.30	35.60	36.10	36.70
0-12-12.....	36.30	37.60	38.10	38.70
0-47-0.....	65.80	67.10	67.60	68.20
0-20-0.....	30.00	31.30	31.80	32.40
0-19-0.....	28.70	30.00	30.50	31.10
0-18-0.....	27.50	28.80	29.30	29.90
0-0-60—Muriate of potash.....	54.30	55.60	56.10	56.70
0-0-50—Muriate of potash.....	48.50	49.80	50.30	50.90
0-0-52—Sulphate of potash.....	62.30	63.60	64.10	64.70
0-0-50—Sulphate of potash.....	60.60	61.90	62.40	63.00
0-0-48—Sulphate of potash.....	58.90	60.20	60.70	61.30
0-0-21.5—Sulphate of potash-magnesia.....	48.90	50.20	50.70	51.30
42-0-0—Urea compound <sup>1</sup> .....	82.70	84.00	84.50	85.10
33.5-0-0—Ammonium nitrate <sup>2</sup> .....	62.80	62.80	62.80	62.80
20.6-0-0—Calcium cyanamide <sup>3</sup> .....	61.30	62.60	63.10	63.70
20.5-0-0—Ammonium nitrate-lime compound <sup>4</sup> .....	55.30	56.60	57.10	57.70
20.5-0-0—Sulphate of ammonia <sup>5</sup> .....	45.55	46.85	47.35	47.95
16-0-0—Domestic nitrate of soda <sup>6</sup> .....	49.70	51.00	51.50	52.10
16-0-0—Imported nitrate of soda <sup>6</sup> .....	56.40	57.70	58.20	58.80
14-0-14—Nitrate of soda-potash <sup>7</sup> .....	65.40	66.70	67.20	67.80

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Maximum time price in bags f. o. b. producing point to which may be added to the amounts set forth in paragraph (2) below.

<sup>3</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added to the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

## 8. Paragraph (a) of Schedule E of Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

[Price per ton]			
Grade	Columns		
	I	II	III
10-10-10.....	\$56.25	\$56.65	\$57.05
10-6-4.....	44.80	45.20	45.60
10-0-10.....	44.15	44.55	44.95
8-24-8.....	63.60	64.00	64.40
8-16-16.....	61.00	61.40	61.80
7-7-7.....	42.80	43.20	43.60
6-18-6.....	50.65	51.05	51.45
6-8-6.....	40.55	40.95	41.35
5-20-10.....	56.85	57.25	57.65
5-15-20.....	56.85	57.25	57.65
5-15-5.....	43.40	43.80	44.20
5-10-10.....	42.85	43.25	43.65
5-10-5.....	39.05	39.45	39.85
4-16-0.....	38.10	38.50	38.90
4-12-8.....	40.70	41.10	41.50
4-12-4.....	37.70	38.10	38.50
4-8-12.....	40.25	40.65	41.05
3-12-6.....	36.80	37.20	37.60
3-9-15.....	40.90	41.30	41.70

[Price per ton]

Grade	Columns		
	I	II	III
3-9-12.....	\$38.70	\$39.10	\$39.50
2-12-12.....	38.90	39.30	40.00
0-24-12.....	64.70	65.10	65.50
0-20-20.....	64.45	64.85	65.25
0-19-19.....	61.90	62.30	62.70
0-14-7.....	32.00	32.40	32.80
0-12-12.....	34.10	34.50	34.90
0-10-20.....	38.35	38.75	39.15
0-47-0.....	63.90	64.30	64.70
0-20-0.....	27.75	28.15	28.55
0-19-0.....	20.70	21.10	21.50
0-18-0.....	25.65	26.05	26.45
0-0-60—Muriate of potash.....	62.35	62.75	63.15
0-0-50—Muriate of potash.....	40.95	41.35	41.75
0-0-52—Sulphate of potash.....	60.35	60.75	61.15
0-0-50—Sulphate of potash.....	58.65	59.05	59.45
0-0-48—Sulphate of potash.....	56.95	57.35	57.75
0-0-21.5—Sulphate of potash-magnesia.....	46.95	47.35	47.75
42-0-0—Urea compound <sup>1</sup> .....	80.95	81.35	81.75
33.5-0-0—Ammonium nitrate <sup>2</sup> .....	62.80	62.80	62.80
20.6-0-0—Calcium cyanamide <sup>3</sup> .....	63.65	64.05	64.45
20.5-0-0—Ammonium nitrate-lime compound <sup>4</sup> .....	53.55	53.95	54.35
20.5-0-0—Sulphate of ammonia <sup>5</sup> .....	45.65	46.05	46.45
16-0-0—Domestic nitrate of soda <sup>6</sup> .....	47.95	48.35	48.75
16-0-0—Imported nitrate of soda <sup>6</sup> .....	64.65	65.05	65.45
14-0-14—Nitrate of soda-potash <sup>7</sup> .....	63.65	64.05	64.45
7-0-0—Castor pomace <sup>8</sup> .....	38.25		

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Basis 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.50 per unit of ammonia varying from seven.

<sup>3</sup> Maximum time price in bags f. o. b. producing point to which may be added to the amounts set forth in paragraph (2) below.

<sup>4</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added to the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

## 9. Paragraph (a) of Schedule F of Appendix A is amended to read as follows:

(a) (1) Delivered-to-the-farm base prices for goods in 100-pound paper bags:

[Price per ton]					
Grade	Columns				
	I	II	III	IV	V
10-6-4	\$45.20	\$46.50	\$47.80	\$49.40	\$49.10
7-7-7	43.20	44.50	45.80	47.40	47.10
5-10-10	43.25	44.55	45.85	47.45	47.15
5-10-5	39.45	40.75	42.05	42.65	43.35
4-16-0	38.50	39.80	41.10	41.70	42.40
4-12-8	41.10	42.40	43.70	44.30	45.00
4-12-4	38.10	39.40	40.70	41.30	42.00
3-12-6	37.20	38.50	39.80	40.40	41.10
0-19-19	62.30	63.60	64.90	66.50	66.20
0-14-7	32.40	33.70	35.00	35.60	36.30
0-12-12	34.50	35.80	37.10	37.70	38.40
0-47-0	64.30	65.60	66.90	67.50	68.20
0-20-0	28.15	29.45	30.75	31.35	32.05
0-19-0	27.10	28.40	29.70	30.30	31.00
0-18-0	26.05	27.35	28.65	29.25	29.95
0-0-60—Muriate of potash	62.75	64.05	65.35	66.95	66.65
0-0-50—Muriate of potash	47.35	48.65	49.95	50.55	51.25
0-0-62—Sulphate of potash	60.75	62.05	63.35	63.95	64.65
0-0-50—Sulphate of potash	59.05	60.35	61.65	62.25	62.95
0-0-48—Sulphate of potash	67.35	68.65	69.95	70.55	71.25
0-0-21.5—Sulphate of potash-magnesia	47.35	48.65	49.95	50.55	51.25
42-0-0—Urea com- pound <sup>1</sup>	81.35	82.65	83.95	84.55	85.25
33.5-0-0—Ammonium nitrate <sup>2</sup>	62.80	62.80	62.80	62.80	62.80
20.6-0-0—Calcium cy- anamide <sup>1</sup>	60.95	61.25	62.55	63.15	63.85
20.5-0-0—Ammonium nitrate-lime com- pound <sup>1</sup>	53.95	55.25	56.55	57.15	57.85

[Price per ton]

Grade	Columns				
	I	II	III	IV	V
20.5-0-0—Sulphate of ammonia <sup>1</sup> .....	\$45.55	\$45.55	\$45.55	\$45.55	\$45.55
16-0-0—Domestic nitrate of soda <sup>1</sup> .....	48.35	49.65	50.95	51.55	52.25
16-0-0—Imported nitrate of soda <sup>1</sup> .....	55.65	56.35	57.65	58.25	58.95
14-0-14—Nitrate of soda-potash <sup>1</sup> .....	64.65	65.35	66.65	67.25	67.95

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices in addition to the amount deductible in (c) (1) below.

<sup>2</sup> Maximum time price in bags f. o. b. producing point to which may be added the amounts set forth in paragraph (2) below.

<sup>3</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

10. The tables in paragraph I (a) of Schedule G of Appendix A are amended to read as follows:

[Price per ton]

Grade	Columns			
	I	II	III	IV
10-6-4.....	\$43.85	\$41.85	.....	.....
10-0-30.....	.....	.....	\$35.20	.....
10-0-10.....	43.50	41.50	41.50	\$41.00
7-7-7.....	42.30	40.50	.....	39.70
6-9-3.....	.....	.....	.....	39.00
6-8-8.....	.....	.....	.....	38.75
6-8-6.....	39.35	37.95	37.55	37.35
5-10-10.....	41.85	.....	.....	39.25
5-10-5.....	38.30	36.35	35.95	35.75
5-7-5.....	.....	.....	39.70	.....
4-16-0.....	35.95	34.95	34.50	34.30
4-12-12.....	.....	.....	.....	33.70
4-12-8.....	39.55	37.55	.....	.....
4-12-4.....	34.75	34.75	34.30	34.10
4-10-6.....	35.65	34.65	31.25	34.05
4-8-8.....	.....	.....	34.15	33.05
4-8-6.....	.....	.....	.....	32.55
3-12-6.....	35.75	33.75	33.35	33.10
3-9-12.....	37.10	35.70	35.30	35.10
3-9-9.....	35.60	33.60	33.20	33.00
3-9-6.....	.....	.....	.....	33.60
2-12-12.....	37.55	35.55	35.10	.....
2-12-6.....	.....	.....	.....	30.70
0-14-10.....	.....	.....	.....	30.20
0-14-7.....	20.75	28.75	28.30	28.10
0-12-12.....	32.75	30.75	.....	30.10
0-12-12—(300 pounds basic).....	.....	.....	30.60	.....
0-9-27.....	.....	.....	31.15	.....
0-8-16—(300 pounds basic).....	.....	.....	30.60	.....
0-20-0.....	27.00	25.00	24.20	23.80
0-19-0.....	25.15	24.15	23.40	23.00
0-18-0.....	25.20	23.20	22.40	22.00
0-0-60—Muriate of potash.....	52.20	50.20	50.20	50.20
0-0-50—Muriate of potash.....	46.80	44.80	44.80	44.80
0-0-30—Manure salts.....	34.40	32.40	32.40	32.40
0-0-25—Manure salts.....	33.20	31.20	31.20	31.20
0-0-22—Sulphate of potash.....	60.60	58.60	58.60	58.60
0-0-20—Sulphate of potash.....	58.40	56.40	56.40	56.40
0-0-18—Sulphate of potash.....	56.80	54.80	54.80	54.80
0-0-21.5—Sulphate of potash-magnesium.....	46.80	44.80	44.80	44.80
Unburned lime, 6 percent potash <sup>1</sup> .....	.....	19.10	19.10	.....
Burned lime, 6 percent potash <sup>1</sup> .....	.....	21.10	21.10	.....
Burned lime, 6 percent potash and 4 percent water soluble magnesium <sup>1</sup> .....	.....	23.25	23.25	.....
Tobacco grades only:	.....	.....	.....	.....
6-9-3 <sup>2</sup> .....	.....	.....	42.00	41.80
5-5-20 <sup>2</sup> .....	55.15	53.15	52.80	.....
4-10-6.....	41.15	39.15	38.75	38.55
4-9-3 <sup>2</sup> .....	38.00	36.00	35.60	35.40
4-4-8.....	.....	.....	.....	35.10
3-12-6.....	39.45	37.45	37.00	36.80
3-9-9.....	40.20	38.20	37.80	37.60
3-9-6.....	37.20	35.20	34.80	34.60
3-8-5.....	35.45	33.45	33.05	.....
2-10-6.....	34.75	32.75	32.35	.....

<sup>1</sup> Based on Norfolk, Va., only.

<sup>2</sup> All potash from sulphate.

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11. Paragraph II (a) (1) of Schedule G of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

Grade:	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-14—Nitrate of soda-potash, f. o. b. nearest port.....	51.50
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	37.50
20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Hopewell, Va.....	36.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Ala.....	53.00
42.0-0—Urea compound, f. o. b. nearest port.....	60.40

12. The table in paragraph I (a) of Schedule H of Appendix A is amended to read as follows:

Grade:	Price per ton
12-0-10.....	\$49.55
10-0-10.....	44.75
8-0-12.....	42.55
8-0-8.....	39.55
6-6-6.....	37.95
6-4-8.....	33.15
5-8-8.....	33.65
5-7-5.....	33.95
5-6-10.....	38.85
5-5-8.....	39.85
4-16-0.....	36.60
4-12-6.....	37.60
4-12-4.....	36.40
4-10-7.....	37.30
4-9-3.....	33.00
4-8-8.....	36.80
4-8-6.....	35.40
4-8-4.....	31.00
4-7-5.....	31.05
4-6-8.....	35.55
4-5-7.....	31.25
4-4-8.....	31.35
3-8-3.....	31.80
3-8-5.....	32.80
3-6-10.....	35.05
3-6-8.....	33.65
2-10-4.....	31.40
2-8-10.....	31.40
2-8-6.....	31.60
0-14-10.....	34.20
0-14-5.....	30.70
0-12-16.....	37.20
0-10-10.....	31.60
0-8-24.....	49.40
0-8-12.....	32.00
0-20-0.....	25.75
0-19-0.....	25.85
0-18-0.....	25.15
0-16-0.....	23.65
0-0-60—Muriate of potash.....	59.10
0-0-50—Muriate of potash.....	49.70
0-0-30—Manure salts.....	30.85
0-0-25—Manure salts.....	35.70
0-0-52—Sulphate of potash.....	63.10
0-0-50—Sulphate of potash.....	61.40
0-0-48—Sulphate of potash.....	59.70
0-0-21.5—Sulphate of potash-magnesium.....	49.70

13. Paragraph II (a) (1) of Schedule H of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

Grade:	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-14—Nitrate of soda-potash, f. o. b. nearest port.....	51.50
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	37.50
20.5-0-0—Ammonium nitrate-lime compounds, f. o. b. Hopewell, Va.....	33.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Alabama.....	55.00
42-0-0—Urea compound, f. o. b. nearest port.....	66.40
7-0-0—Castor pomace, <sup>1</sup> f. o. b. Bayonne, N. J.....	26.20

<sup>1</sup> Basis 7 units of ammonia and in original bags. Add or deduct at the rate of \$3.50 per unit of ammonia varying from seven.

14. Paragraph I (a) of Schedule I of Appendix A is amended to read as follows:

(a) Delivered-to-the-railhead or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
12-0-10.....	43.40
8-0-12.....	35.80
8-0-8.....	33.00
6-8-8.....	35.65
6-8-4.....	32.85
6-6-6.....	32.45
6-4-8.....	32.05
5-8-8.....	33.35
5-7-5.....	30.40
5-6-10.....	32.95
5-5-8.....	30.70
4-16-0.....	32.70
4-12-6.....	33.30
4-12-4.....	31.90
4-10-7.....	32.25
4-10-6.....	31.55
4-10-4.....	20.15
4-9-3.....	23.60
4-8-8.....	31.15
4-8-6.....	23.75
4-8-4.....	23.35
4-7-5.....	23.20
4-6-8.....	23.35
4-5-7.....	27.80
4-4-8.....	27.55
3-8-8.....	23.95
3-8-5.....	26.85
3-6-10.....	23.55
3-6-8.....	27.15
2-10-4.....	25.65
2-8-10.....	23.05
2-8-6.....	25.25
0-14-10.....	23.90
0-14-5.....	25.40
0-12-16.....	31.30
0-10-10.....	25.35
0-8-24.....	33.35
0-8-12.....	24.95
0-20-0.....	21.35
0-19-0.....	23.65
0-18-0.....	19.80
0-16-0.....	12.70
0-0-60—Muriate of potash.....	43.40
0-0-50—Muriate of potash.....	43.60
0-0-30—Manure salts.....	30.60
0-0-25—Manure salts.....	23.40
0-0-52—Sulphate of potash.....	53.20

Grade:	Price per ton
0-0-50—Sulphate of potash.....	\$54.60
0-0-48—Sulphate of potash.....	53.00
0-0-21.5—Sulphate of potash-mag- nesia.....	43.00
Tobacco grades only:	
3-9-9.....	35.00
3-8-8.....	33.05

15. Paragraph II (a) (1) of Schedule I of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-0—Nitrate of soda-potash, f. o. b. nearest port.....	51.50
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	37.50
20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Hopewell, Va.....	36.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Ala.....	55.00
42-0-0—Urea compound, f. o. b. nearest port.....	66.40

16. Paragraph I (a) of Schedule J of Appendix A is amended to read as follows:

(a) Delivered-to-railhead or warehouse base prices for goods in 100-pounds paper bags:

Grade:	Price per ton
12-8-0.....	\$43.45
10-6-4.....	40.25
10-0-10.....	38.45
9-6-9.....	41.75
8-8-8.....	41.05
6-9-6.....	36.70
6-8-8.....	37.05
6-8-4.....	34.25
5-10-5.....	34.45
4-16-0.....	34.45
4-12-8.....	36.05
4-12-4.....	33.25
4-8-8.....	32.05
3-12-12.....	36.35
0-14-7.....	27.95
0-12-12.....	29.45
0-20-0.....	23.75
0-19-0.....	23.00
0-18-0.....	22.15
0-0-60—Muriate of potash.....	50.55
0-0-50—Muriate of potash.....	45.25
0-0-52—Sulphate of potash.....	58.35
0-0-50—Sulphate of potash.....	56.75
0-0-48—Sulphate of potash.....	55.15
0-0-30—Manure salts.....	32.55
0-0-25—Manure salts.....	31.35
0-0-21.5—Sulphate of potash-mag- nesia.....	45.25

17. Paragraph II (a) (1) of Schedule J of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-14—Nitrate of soda-potash, f. o. b. nearest port.....	51.50

	Price per ton
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	\$37.50
20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Hopewell, Va.....	36.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Ala.....	55.00
42-0-0—Urea compound, f. o. b. nearest port.....	66.40

18. The table in paragraph I (a) of Schedule K of Appendix A is amended to read as follows:

[Price per ton]			
Grade	I	II	III
12-15-0.....	\$53.75	\$55.75	\$56.75
12-8-0.....	44.40		
12-0-12.....	46.95	48.95	49.05
10-20-0.....	55.05	57.05	58.05
10-10-0.....	41.90	43.90	44.90
10-6-4.....	41.60		
10-0-10.....	41.35		
9-6-9.....	43.50		
8-8-8.....	42.40	44.40	45.40
6-30-0.....	57.60	59.60	60.60
6-12-6.....	40.10	42.10	43.10
6-12-0.....	35.60	37.60	38.60
6-9-6.....	37.65		
6-8-12.....	41.40		
6-8-8.....	38.40		
6-8-4.....	35.40	37.40	38.40
5-10-5.....	35.70	37.70	38.70
4-16-0.....	34.80	36.80	37.80
4-12-8.....	37.60		
4-12-6.....	34.60	36.60	37.60
4-12-0.....	31.60		
4-10-0.....	29.90	31.90	32.90
4-8-8.....	34.40	36.40	37.40
3-12-12.....	38.60		
3-12-6.....	34.10	36.10	37.10
2-12-6.....	32.00		
0-14-7.....	30.50	32.50	33.50
0-12-12.....	32.60		
0-10-20.....	36.90		
0-45-0.....	57.80	59.80	60.80
0-20-0.....	27.45	29.45	30.45
0-19-0.....	27.00	29.00	30.00
0-18-0.....	26.35	28.35	29.35
0-0-60—Muriate of potash.....	51.75	53.75	54.75
0-0-50—Muriate of potash.....	46.35	48.35	49.35
0-0-52—Sulphate of potash.....	59.55	61.55	62.55
0-0-50—Sulphate of potash.....	57.95	59.95	60.95
0-0-48—Sulphate of potash.....	56.35	58.35	59.35
0-0-21.5—Sulphate of potash mag- nesia.....	46.35	48.35	49.35
0-0-30—Manure salts.....	32.55	34.55	35.55
0-0-25—Manure salts.....	31.35	33.35	34.35
0-0-22—Manure salts.....	28.35	30.35	31.35

19. Paragraph II (a) (1) of Schedule K of Appendix A is amended to read as follows:

(1) F. O. B. the nearest wholesale price basing point as specified:

	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-14—Nitrate of soda-potash, f. o. b. nearest port.....	51.50
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	37.50
20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Hopewell, Va.....	36.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Ala.....	55.00
42-0-0—Urea compound, f. o. b. nearest port.....	66.40

20. Paragraph I (a) of Schedule L of Appendix A is amended to read as follows:

(a) Delivered to railhead or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
12-10-12.....	\$46.30
10-6-4.....	40.55
8-5-5.....	38.40
7-7-7.....	37.80
6-8-8.....	37.35
6-8-4.....	33.95
5-10-5.....	34.45
5-5-10.....	34.50
4-16-0.....	33.30
4-12-4.....	33.30
4-8-12.....	36.75
4-8-8.....	33.35
3-9-18.....	40.60
3-9-6.....	30.40
2-12-6.....	30.90
0-14-7.....	29.40
0-14-4.....	26.80
0-12-12.....	31.90
0-20-0.....	24.70
0-14-0.....	24.05
0-18-0.....	23.20
0-0-60—Muriate of potash.....	55.60
0-0-50—Muriate of potash.....	50.00
0-0-30—Manure salts.....	36.20
0-0-25—Manure salts.....	35.00
0-0-52—Sulphate of potash.....	63.40
0-0-50—Sulphate of potash.....	61.70
0-0-48—Sulphate of potash.....	60.00
0-0-21.5—Sulphate of potash-mag- nesia.....	50.00

21. Paragraph II (a) (1) of Schedule L of Appendix A is amended to read as follows:

(1) F. o. b. the nearest wholesale price basing point as specified:

	Price per ton
16-0-0—Imported nitrate of soda, f. o. b. nearest port.....	\$42.50
16-0-0—Domestic nitrate of soda, f. o. b. Hopewell, Va.....	34.00
14-0-0—Domestic nitrate of soda, f. o. b. Holston, Tenn.....	30.00
14-0-14—Nitrate of soda-potash, f. o. b. nearest port.....	51.50
20.5-0-0—Sulphate of ammonia, f. o. b. producing point.....	37.50
20.5-0-0—Ammonium nitrate-lime compound, f. o. b. Hopewell, Va.....	36.50
20.6-0-0—Calcium cyanamide, f. o. b. Niagara Falls, Ontario, Canada.....	42.25
33.5-0-0—Imported ammonium nitrate, f. o. b. nearest sulphate of ammonia producing point.....	54.00
32.5-0-0—Domestic ammonium nitrate, f. o. b. Sheffield, Ala.....	55.00
42-0-0—Urea compound, f. o. b. nearest port.....	66.40
7-0-0—Castor pomace, f. o. b. Bayonne, N. J.....	26.20

22. Paragraph (a) of Schedule M of Appendix A is amended to read as follows:

(a) Delivered-to-railhead or warehouse base prices for goods in 100-pound paper bags:

Grade:	Price per ton
10-6-4.....	\$43.00
8-8-8.....	44.05
6-8-6.....	38.25
5-10-10.....	41.45
5-10-5.....	37.15
4-16-0.....	36.25
4-12-8.....	39.45
4-12-4.....	36.05
4-12-0.....	33.65
3-18-9.....	44.55
3-12-12.....	40.75



Grade:	Price per ton
3-9-6	\$33.00
2-12-6	33.75
0-20-20	52.60
0-20-10	41.10
0-14-7	32.35
0-12-12	34.65
0-45-0	57.70
0-20-0	27.50
0-19-0	26.15
0-18-0	24.85
0-0-60—Muriate of potash	56.50
0-0-50—Muriate of potash	51.00
0-0-52—Sulphate of potash	64.00
0-0-50—Sulphate of potash	62.30
0-0-48—Sulphate of potash	60.60
0-0-25—Manure salts	36.00
0-0-24—Manure salts	35.00
0-0-23—Manure salts	34.00
0-0-21.5—Sulphate of potash-magnesia	51.00

Grade:	Price per ton
42-0-0—Urea compound <sup>1</sup>	\$31.00
32.5-0-0—Domestic ammonium nitrate <sup>1</sup>	67.00
33.5-0-0—Imported ammonium nitrate <sup>2</sup>	59.50
20.6-6-0—Calcium cyanamide <sup>1</sup>	59.60
20.5-0-0—Ammonium nitrate-lime compound <sup>1</sup>	53.60
20.5-0-0—Sulphate of ammonia <sup>1</sup>	43.15
16-0-0—Imported nitrate of soda <sup>1</sup>	58.80
16-0-0—Domestic nitrate of soda <sup>1</sup>	59.00
14-0-0—Domestic nitrate of soda <sup>1</sup>	44.00

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices.

<sup>2</sup> Maximum time price in bags f. o. b. producing point to which may be added the amounts set forth in paragraph (2) below.

<sup>1</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

23. Paragraph (a) of Schedule N of Appendix A is amended to read as follows:

(a) Delivered-to-railhead or warehouse base prices per ton for goods in 25- or 100-pound paper bags for consumers located in the following States:

Grade	Ohio	Indiana	Illinois	Michigan		Wisconsin	Grade	Ohio	Indiana	Illinois	Michigan		Wisconsin
				S. P.	N. P.						S. P.	N. P.	
10-6-4	\$43.25	\$43.60	\$44.10	\$43.25	\$45.55	\$44.75	0-30-0	\$32.30	\$32.60	\$33.00	\$32.30	\$31.60	\$32.70
8-8-8	43.85	44.20	44.70	43.85	44.00	45.40	0-19-0	32.60	32.90	33.30	32.60	31.90	32.50
6-10-18						47.05	0-18-0	32.60	32.90	33.30	32.60	31.90	32.50
5-10-0	41.10	41.45					0-0-60—Muriate	57.25	56.85	57.65	57.25	56.85	57.65
4-16-4	35.65	36.30	36.80	35.65	38.65	37.45	0-0-50—Muriate	51.85	51.45	52.25	51.85	51.45	52.25
4-16-10	39.10	39.45	39.95	39.10	41.80	40.60	0-0-52—Sulphate	61.85	61.45	62.25	61.85	61.45	62.25
4-12-8	39.10	39.45	39.95	39.10	41.80	40.60	0-0-50—Sulphate	61.85	61.45	62.25	61.85	61.45	62.25
4-12-4	36.10						0-0-48—Sulphate	60.15	61.15	61.15	60.15	61.15	61.15
2-18-0	45.80	46.15	46.65	45.80	48.20	47.30	0-0-21.5—Sulphate of potash-magnesia	61.85	61.45	62.25	61.85	61.45	62.25
2-12-12	40.20	40.55	41.05	40.20	42.80	41.70	0-0-25—Manure salts	33.65	33.65	33.65	33.65	33.65	33.65
2-9-18	42.55	42.90	43.40	42.55	45.20	44.10	0-0-23—Manure salts	33.65	33.65	33.65	33.65	33.65	33.65
2-16-8				38.95	41.65		42-0-0—Urea compound <sup>1</sup>	81.15	82.40	83.65	81.15	82.40	83.65
2-12-6	33.60	34.15	34.65	33.60	36.20	35.30	32.5-0-0—Ammonium nitrate <sup>1</sup>	62.15	62.15	62.15	62.15	62.15	62.15
0-20-20	53.15	53.50	54.00	53.15	55.90	54.70	32.5-0-0—Ammonium nitrate <sup>2</sup>	62.15	62.15	62.15	62.15	62.15	62.15
0-20-10	43.25	43.60	44.10	43.25	46.00	44.80	20.6-0-0—Calcium cyanamide <sup>1</sup>	53.15	57.15	53.15	53.15	53.15	53.15
0-14-14				37.40	40.15	38.95	20.5-0-0—Ammonium nitrate-lime compound <sup>1</sup>	53.15	54.40	55.65	53.15	55.65	56.20
0-14-7	32.15	32.50	33.00	32.15	34.50	33.70	20.5-0-0—Sulphate of ammonia <sup>1</sup>	43.15	43.15	43.15	43.15	43.15	43.15
0-12-12	34.60	34.85	35.35	34.60	37.20	36.60	16-0-0—Imported nitrate of soda <sup>1</sup>	58.45	57.80	58.65	58.45	57.80	58.65
0-10-20	39.10	39.45	39.95	39.10	41.80	40.60	16-0-0—Domestic nitrate of soda <sup>1</sup>	59.15	58.40	59.25	59.15	58.40	59.25
0-9-27	44.05	44.40	44.90	44.05	46.80	45.60	14-0-0—Nitrate of soda <sup>1</sup>	44.15	44.15	44.15	44.15	44.15	44.15
0-6-18		35.10		34.75	37.45	36.25							
0-45-0	59.75	60.45	61.35	59.75	62.60	61.75							
0-38-0	51.95												

  

Grade	Missouri	Iowa	Minnesota	Nebraska	Kansas and Oklahoma	North Dakota and South Dakota	Grade	Missouri	Iowa	Minnesota	Nebraska	Kansas and Oklahoma	North Dakota and South Dakota
10-6-4	\$45.50	\$45.95	\$46.95	\$46.35	\$46.3	\$48.65	0-9-27	\$42.25	\$42.80	\$43.80	\$47.40	\$47.15	\$48.00
10-20-0				68.15	68.10	68.10	0-45-0	62.45	61.75	61.75	62.25	62.25	63.15
8-16-12			60.85				0-45-0		61.75	61.75	62.25	62.25	63.15
8-8-8	46.10	46.60	46.60	47.20	46.60	48.70	0-20-0	32.65	33.10	33.10	33.70	33.45	34.50
6-30-0				68.75	68.65	68.75	0-19-0	31.20	31.70	31.70	32.20	32.00	33.10
6-12-18			57.30				0-18-0	29.80	30.25	30.25	30.85	30.60	31.65
5-10-10	43.35			44.40	44.15		0-0-60—Muriate	57.35	57.00	57.30	58.00	57.45	58.70
4-24-12			61.75				0-0-50—Muriate	51.65	52.00	52.10	52.80	52.35	53.60
4-16-16			56.25				0-0-52—Sulphate	63.65	63.40	63.40	64.00	63.75	64.50
4-16-4		42.45		43.05	42.80	44.55	0-0-50—Sulphate	64.25	64.00	64.00	64.60	64.35	65.00
4-16-0	38.20	38.65	38.65	39.25	39.00	40.75	0-0-48—Sulphate	62.75	63.00	63.00	63.60	63.35	64.10
4-12-8	41.35	41.80	41.80	42.40	42.15	43.60	0-0-21.5—Sulphate of potash-magnesia	61.65	62.50	63.10	63.10	63.65	64.20
4-12-4	38.35		38.60		39.15	40.60	0-0-25—Manure salts	33.15	33.70	33.70	33.70	33.75	34.50
3-18-9	43.05	43.50	43.50	44.10	43.85	45.60	0-0-23—Manure salts	33.65	33.65	33.65	33.65	33.65	33.65
3-12-12	42.45	42.90	42.90	43.50	43.25	45.00	42-0-0—Urea compound <sup>1</sup>	83.65	83.65	83.65	84.10	83.65	84.60
3-9-18	44.85	45.30	45.30	45.90	45.65	47.40	32.5-0-0—Ammonium nitrate <sup>1</sup>	63.60	63.60	63.60	64.00	63.60	64.00
2-16-8		41.65	41.65				32.5-0-0—Ammonium nitrate <sup>2</sup>	63.25	63.60	63.60	64.00	63.60	64.00
2-12-6	36.05	36.50	36.50	37.10	36.85	38.60	20.6-0-0—Calcium cyanamide <sup>1</sup>	53.25	56.60	53.60	53.60	53.25	53.60
0-30-15		55.60	55.60		56.25	58.60	20.5-0-0—Ammonium nitrate	57.65	57.65	57.65	58.10	57.65	58.60
0-20-20	55.45	55.90	55.90	56.50	56.25	58.10	20.5-0-0—Sulphate of ammonia <sup>1</sup>	43.15	43.15	43.15	43.15	43.15	43.15
0-20-10	45.55	46.00	46.00	46.60	46.35	48.10	16-0-0—Imported nitrate of soda <sup>1</sup>	60.40	60.60	60.60	61.00	60.60	61.00
0-14-14		40.15		40.75	40.45	42.25	16-0-0—Domestic nitrate of soda <sup>1</sup>	64.65	64.60	64.60	65.10	64.65	65.60
0-14-7	34.40	34.90	34.90	35.50	35.20	37.00	14-0-0—Nitrate of soda <sup>1</sup>	45.45	45.60	45.60	46.00	45.45	45.10
0-12-36			48.60				11-48-0—Ammonium phosphate			84.65		84.65	
0-12-24		37.75	37.75	37.75	37.75	38.30	16-20-0—Ammonium phosphate			70.45		70.45	
0-12-12		41.35	41.80	41.80	42.40	43.60							
0-10-20													

<sup>1</sup> On direct shipments from points of production or port of entry, when consumer takes delivery at car door, deduct \$3.00 per ton from the above prices.

<sup>2</sup> Maximum time price in bags f. o. b. producing point to which may be added the amounts set forth in paragraph (2) below.

<sup>3</sup> Maximum time price in bags f. o. b. nearest sulphate of ammonia producing point to which may be added the amounts set forth in paragraph (2) below.

(2) (i) The cost of tax tags and the attaching thereof or state tonnage or inspection tax.

(ii) Plus the transportation cost from the wholesale price basing point to the point at which the consumer takes delivery.

(iii) Plus one charge of 50 cents per ton in the case of a manufacturer or dealer making delivery to a consumer of materials handled through his factory or warehouse.

**Eastern Nebraska.** Prices in the tables above apply to deliveries in the counties of Dakota, Thurston, Burt, Dodge, Saunders, Lancaster and Gage and counties east thereof.

**Central Nebraska.** Add \$1.40 per ton for deliveries in counties west of the above and east of and including counties of Knox, Antelope, Boone, Nance, Merrick, Hall, Adams and Webster.

**Western Nebraska.** For the area west of counties listed in Central Nebraska, add the carload rate of freight in excess of \$5.00 per ton from Chicago to destination, to the prices for Central Nebraska.

**North Dakota.** Prices in the tables above apply to delivery in the counties of Pembina, Walsh, Grand Forks, Cass, Richland and Traill and counties east thereof.

**South Dakota.** Prices in the tables above apply to delivery in the counties of McPherson, Falk, Edmunds, Hyde, Buffalo, Burle and Charles Mix and counties east thereof.

**Western North and South Dakota.** For the area west of the counties listed above, add the carload rate of freight in excess of \$5.00 per ton from Chicago to destination, divided by .82, to the prices in the tables for eastern North and South Dakota.

**Iowa.** Add to the maximum prices established above for deliveries in Iowa freight in excess of \$5.00 per ton from East St. Louis, Illinois.

**Minnesota.** Add to the maximum prices established above for deliveries in Minnesota freight in excess of \$5.00 per ton from East St. Louis, Illinois.

**Wisconsin.** Add to the maximum prices established above for deliveries in Wisconsin freight in excess of \$5.00 per ton from East St. Louis, Illinois.

24. The table in paragraph (a) of Schedule O of Appendix A is amended to read as follows:

Grade:	Price per ton
17-12-0	\$68.55
17-4-4	62.10
12-12-0	58.55
11-22-0	68.15
10-20-0	62.85
10-18-5	65.00
10-16-8	63.80
10-12-14	63.35
10-10-5	55.75
10-10-0	52.25
8-8-4	48.70
6-30-0	66.45
6-12-0	46.55
6-10-4	47.05
5-10-20	56.25
5-10-10	49.25
5-10-5	45.75
5-6-8	43.20
4-24-4	59.30
4-24-0	56.50
4-16-4	50.00
4-12-8	48.15
4-12-4	45.35
3-10-20	52.25
3-10-10	45.25
2-20-20	61.85
0-12-20	48.55
0-43-0	54.80
0-18-0	32.20
0-19-0—Superphosphate	33.40
0-20-0—Superphosphate	34.55
0-0-60—Muriate of potash	55.65
0-0-51—Sulphate of potash	68.65
16-20-0—Ammonium phosphate	70.45
11-48-0—Ammonium phosphate	84.65
33.5-0-0—Ammonium nitrate	82.45
32.5-0-0—Ammonium nitrate	80.65
20.5-0-0—Sulphate of ammonia	49.65
20.5-0-0—Imported sulphate of ammonia	53.45
16-0-0—Imported nitrate of soda	59.15
16-0-0—Domestic nitrate of soda	53.65
20.6-0-0—Calcium cyanamide	63.65

25. The table in paragraph (a) of Schedule P of Appendix A is amended to read as follows:

Grade:	Price per ton
17-12-0	\$72.45
17-4-4	64.75
12-12-0	61.20
10-20-0	67.20
10-16-8	67.55
10-10-5	58.25
10-10-0	55.25
6-30-0	72.10
6-10-4	48.65

Grade:	Price per ton
5-10-20	\$58.35
5-10-10	50.35
5-8-8	43.70
4-16-0	48.70
4-12-8	48.65
4-12-4	46.25
3-10-20	52.35
3-10-10	45.35
0-12-20	47.45
0-43-0	57.65
0-18-0	33.35
0-19-0—Superphosphate	34.65
0-20-0—Superphosphate	35.95
0-22-0—Superphosphate	38.60
0-0-60—Muriate of potash	51.10
0-0-51—Sulphate of potash	59.85
16-20-0—Ammonium phosphate	64.75
11-48-0—Ammonium phosphate	79.15
42-0-0—Urea compound	89.20
33.5-0-0—Ammonium nitrate	81.50
32.5-0-0—Ammonium nitrate	79.70
20.5-0-0—Sulphate of ammonia	49.20
20.5-0-0—Imported sulphate of ammonia	53.20
16-0-0—Imported nitrate of soda	50.50
16-0-0—Domestic nitrate of soda	44.70
20.6-0-0—Calcium cyanamide	65.70

26. The table in paragraph (a) of Schedule Q of Appendix A is amended to read as follows:

[Price per ton]			
Grade	I	II	III
0-10-8	\$40.30	\$41.30	\$41.80
0-10-12	44.50	45.50	46.00
2-10-8	44.80	45.80	46.30
4-6-8	44.65	45.65	46.15
4-10-10	51.40	52.40	52.90
4-12-4	47.45	48.45	48.95
4-16-0	47.90	48.90	49.40
4-18-18	69.15	70.15	70.65
5-12-5	50.75	51.75	52.25
5-14-9	57.30	58.30	58.80
6-9-6	50.55	51.55	52.05
6-10-4	49.60	50.60	51.10
6-12-8	56.15	57.15	57.65
6-16-6	58.70	59.70	60.20
8-0-12	50.85	51.85	52.35
8-6-8	53.65	54.65	55.15
8-8-4	51.80	52.80	53.30
8-10-12	62.50	63.50	64.00
10-5-5	53.90	54.90	55.40
10-5-10	59.10	60.10	60.60
10-10-0	54.40	55.40	55.90
10-10-5	59.65	60.65	61.15
10-12-10	67.25	68.25	68.75
10-16-8	69.80	70.80	71.30
10-20-0	66.10	67.10	67.60
12-6-0	54.25	55.25	55.75
12-0-14	61.95	62.95	63.45
14-0-8	60.15	61.15	61.65
15-8-4	67.55	68.55	69.05
17-7-0	66.70	67.70	68.20
0-18-0	29.70	30.70	31.20
0-43-0	55.15	56.15	56.65
0-0-51—Sulphate	60.90	61.90	62.40
0-0-60—Muriate	52.25	53.25	53.75
16-0-0—Imported nitrate of soda	52.35	53.35	53.85
16-0-0—Domestic nitrate of soda	46.25	47.25	47.75
20.6-0-0—Calcium cyanamide	67.75	68.75	69.25
20.5-0-0—Sulphate of ammonia	50.75	51.75	52.25
20.5-0-0—Imported sulphate of ammonia	54.75	55.75	56.25
33.5-0-0—Ammonium nitrate	83.05	84.05	84.55
32.5-0-0—Ammonium nitrate	81.25	82.25	82.75
42-0-0—Urea compound	90.75	91.75	92.25
11-48-0—Ammonium phosphate	80.70	81.70	82.20
16-20-0—Ammonium phosphate	66.30	67.30	67.80

27. The table in paragraph (a) of Schedule R of Appendix A is amended to read as follows:

Grade:	Price per ton
4-8-0	\$40.45
4-12-4	49.30
4-16-0	49.75
4-19-5	58.50
6-10-4	51.45
6-12-0	49.60
6-18-0	56.60
8-8-0	49.45
8-12-0	54.10
8-16-0	58.75
10-10-0	56.25

Grade:	Price per ton
20-20-0	\$67.95
10-38-0	88.50
14-6-0	60.60
0-18-0—Superphosphate	32.80
0-43-0—Triple superphosphate	55.00
0-0-60—Muriate of potash	54.10
0-0-51—Sulphate of potash	62.75
16-0-0—Imported nitrate of soda	55.00
16-0-0—Domestic nitrate of soda	49.80
20.6-0-0—Calcium cyanamide	65.80
20.5-0-0—Sulphate of ammonia	51.80
20.5-0-0—Imported sulphate of ammonia	55.80
33.5-0-0—Ammonium nitrate	84.60
32.5-0-0—Ammonium nitrate	82.80
42-0-0—Urea compound	90.80
11-48-0—Ammonium phosphate	82.25
16-20-0—Ammonium phosphate	67.85

This amendment shall become effective August 9, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-18960; Filed, Aug. 9, 1946; 4:05 p. m.]

#### PART 1382—HARDWOOD LUMBER

[MPR 223,<sup>1</sup> Amdt. 16]

##### NORTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In Maximum Price Regulation 223—Northern Hardwood Lumber, paragraph (b) of § 1382.151 is amended to read as follows:

(b) A "retail sale", as defined in § 1382.159 (a) (7) of this regulation, may be made at the maximum price established by either this regulation or by the General Maximum Price Regulation, whichever is higher.

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-14025; Filed, Aug. 12, 1946; 11:56 a. m.]

#### PART 1382—HARDWOOD LUMBER

[MPR 368,<sup>2</sup> Amdt. 10]

##### NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In Maximum Price Regulation 368, section 10 is amended to read as follows:

SEC. 10. *Retail type sales.* A "retail type" direct-mill sale, as defined below, may be made at the maximum price established by either this regulation or the General Maximum Price Regulation, whichever is higher. A "retail type"

<sup>1</sup> 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945, 10939, 14136, 15193, 17375; 9 F.R. 789, 5686; 10 F.R. 22696.

<sup>2</sup> 9 F.R. 4184; 11 F.R. 947.

direct-mill sale means a sale of not more than 2,000 feet of lumber in which the purchaser requests delivery to a point not more than 20 miles from the mill at which the shipment originates. It includes only sales of lumber to contractors or consumers for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and it does not include sales for resale.

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14026; Filed, Aug. 12, 1946;  
11:56 a. m.]

**PART 1400—TEXTILE FABRICS: COTTON,  
WOOL, SILK, SYNTHETICS AND MIX-  
TURES**

[MPR 39, Amdt. 15]

**WOVEN DECORATIVE FABRICS**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 39 is amended in the following respect:

Paragraphs (a) and (b) of § 1400.153 are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (i) the ceiling price in effect at the time the contract was made or (ii) the ceiling price in effect at the time of delivery.

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical goods shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-12956; Filed, Aug. 9, 1946;  
4:03 p. m.]

**PART 1499—COMMODITIES AND SERVICES  
[MPR 614]**

**RETAIL SALES OF SPECIFIED ARTICLES OF  
HARDWARE**

A statement of the considerations involved in the issuance of this regulation issued simultaneously herewith has been filed with the Division of the Federal Register.

**Sec.**

1. What this regulation covers.
2. Ceiling prices.
3. How to treat taxes.
4. Marking, tagging and posting.
5. Records.
6. Sales slips.
7. What acts are prohibited by this regulation.
8. Where this regulation applies.
9. Relation to other regulations.
10. Amendment.
11. Orders modifying this regulation.

**AUTHORITY:** § 1499.28 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 363, 78th Cong.; Pub. Laws 103 and 548, 79th Cong.; E.O. 8250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631; E.O. 8539, 10 F.R. 10155; E.O. 8651, 10 F.R. 13457; E.O. 9697; E.O. 9697, 11 F.R. 1631.

**SECTION 1. What this regulation covers.**  
This regulation covers all sales at retail of the following types of articles:

Trowels including manually operated cement workers', brick layers', tile setters', masons' and plasterers' tools, such products as trowels, jointers, joint fillers, mitre rods, hods, floats, cementers, tile markers and hawks.

Steel shovels, spades and axes.

Mechanics' hand tools including auto mechanics' tools, chisels, mechanics' hammers, pliers, punches, crew drivers, metal cutting snips and shears, wrenches and spanners, sockets and drivers, nail sets, metal tool cases and tool kits.

Heavy forged tools and mining tools, including picks, mattocks, hoes (heavy-eye type), bars, sledges, wedges, hammers, mauls, railroad track tools, blacksmith anvil tools, tongs, punches, bull points and drift pins.

Hand cutting tools including cigar bits, wood working drill points and bits used in hand braces and drills, hand braces and drills, wood boring tools, hand star drills and saws, including saw frames.

Garden tools.

A sale at retail is the sale of an article, (in substantially the same form as purchased by the seller) to an individual ultimate consumer and includes a sale to a commercial, industrial or institutional user by a seller who sells principally to individual ultimate consumers. The word "seller" refers to each separate seller covered by this regulation. If a seller makes sales through more than one selling unit or department, each selling unit or department is considered to be a separate seller. The regulation however does not cover sales by a "mail order establishment" made pursuant to orders based on any catalogs, booklets, circulars or other forms of price lists printed or in the process of printing before August 9, 1946. A "mail order establishment"

means a seller who regularly makes deliveries by mail to individual ultimate consumers in filling orders received by mail on the basis of catalogs, booklets, circulars or other forms of printed price lists.

**SEC. 2 Ceiling prices.** You determine your ceiling price for an article by adding to your net cost a mark-up of 50% of that net cost if your supplier is a wholesaler, or by adding to your net cost 67% of that net cost if your supplier is a manufacturer. Your ceiling price will be the result thus obtained, adjusted to the nearest multiple of five cents.

"Net cost" means the invoice cost of the article you are pricing less all discounts except cash discounts but including all incoming transportation charges belonging in a class for which such charges are separately stated, which you include in your net cost must be allocated to the article you are pricing on the basis of its value. For example, take the incoming freight cost on any shipment and divide this figure by the total invoice cost of the merchandise included in that shipment. The resulting figure is your "freight factor" for the shipment. To determine the amount of freight properly allocable to any article in the shipment, multiply the invoice cost of that article by the freight factor.

**SEC. 3. How to treat taxes.** The ceiling prices determined under section 2 are your ceiling prices exclusive of taxes. If the tax law permits the taxes to be separately stated, you may collect the taxes on the sale or delivery of the article in addition to the ceiling price fixed under section 2, provided that you state the tax separately. This applies to a sales tax or a compensating use tax.

**SEC. 4. Marking, tagging and posting.**  
On and after August 9, 1946, you must mark the maximum price of each article covered by this regulation in a manner plainly visible to, and understandable by, the purchasing public, by one of the following methods.

(a) By marking the maximum OPA ceiling price on the article, or on the shelf, bin, rack or other holder or container upon or in which the article is kept, if all the articles kept on or in the shelf, bin, rack, holder or container have the same maximum price. This marking shall read: "Ceiling Price \$\_\_\_\_\_" or "Our Ceiling \$\_\_\_\_\_" or

(b) By marking the selling price on the article, or on the shelf, bin, rack or other holder or container upon or in which the article is kept, if all the articles kept on or in the shelf, bin, rack, holder or container have the same maximum price; provided that you keep displayed in some prominent place or places in your establishment a sign or signs indicating that all offering prices of merchandise for sale in your establishment are at or below your OPA ceiling prices.

**SEC. 5. Records.** The records required by this section must be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. All such records must be kept at your store, except that a chain subject to a uniform pricing order must keep all the records required by this section at the seller's

<sup>1</sup> 7 F.R. 5243, 5512, 6774, 8946; 8 F.R. 7822, 17426; 9 F.R. 458, 14067; 10 F.R. 1662, 11663, 14659; 11 F.R. 4538, 6491, 7281.

main office (or at the office indicated in the seller's uniform pricing order.)

(a) *Current records*—(1) *Preserving invoices*. You must preserve the purchase invoices which you receive on and after August 9, 1946, for all articles covered by this regulation. You must keep these invoices in alphabetical, numerical, or chronological order, or according to some other recognized filing system. Upon request of any authorized agent of the OPA, you must let him examine your purchase invoices for any article covered by this regulation.

(2) *"Retailing" invoices*. Before selling or offering for sale any article covered by this regulation which is delivered to you on or after August 9, 1946, you must "retail" the invoice, that is, you must mark your first selling price for each article covered by this regulation on the invoice covering your purchase of the article, and also any incoming transportation charges allocated to the article pursuant to the provisions of section 2. If the invoice does not state the quantity of each article, style, model or lot number which it covers, you must also enter the quantity on each invoice.

SEC. 6. *Sales slips*. If you have customarily given your customer a sales slip, receipt, or similar evidence of purchase you must continue to do so. Upon request from a customer, you, regardless of previous custom, shall give the purchaser a receipt showing the date, your name and address, the description of each article sold and the price received for it.

SEC. 7. *What acts are prohibited by this regulation*. On and after August 9, 1946, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than maximum prices*. Every person is prohibited from selling or delivering any article at a price higher than the maximum price permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than maximum price*. Every person is prohibited from buying or receiving, in the course of trade or business, any article sold in violation of any of the provisions of this regulation.

(c) *Combination sales*. Every person is prohibited from requiring any purchaser to buy or agree to buy any other article, service, package or wrapper in connection with the sale or delivery of any article covered by this regulation. Every person is likewise prohibited from asking a sale of articles which is conditioned directly or indirectly on the purchase of any other commodity or service. Combinations or sets of articles, if designed by the manufacturer for sale at a unit price, and so purchased by the seller, may, however, be sold at a unit price unless such sale is otherwise prohibited.

(d) *Indirect price increases*. Every person is prohibited from doing any other act which directly or indirectly increases, above the maximum price, the consideration paid for any article or delivery of any article, or, for the purposes of evading the price limitations set forth in this

regulation, to purchase, deliver, contract, deal, or otherwise operate with or through any other person under common control with, controlled by, controlling, or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any article. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright sale above the maximum price.

SEC. 8. *Where this regulation applies*. This regulation applies in the 48 States and the District of Columbia.

SEC. 9. *Relation to other regulations*. The coverage of this regulation is stated in section 1. Where this regulation applies, it supersedes the provisions of any other regulation.

SEC. 10. *Amendment*. Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 11. *Orders modifying this regulation*. The provisions of this regulation, as applied to certain commodities or persons subject to this regulation, may be modified by general orders under this section.

This regulation shall become effective August 9, 1946, except that any seller subject to this regulation may, until August 20, 1946, continue to sell articles covered by this regulation at or below the prices determined under regulations and orders in effect on July 31, 1946.

NOTE: All the reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13961; Filed, Aug. 9, 1946;  
4:08 p. m.]

#### PART 1316—COTTON TEXTILES

[RPS 89,<sup>1</sup> Amdt. 19]

##### BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Price Schedule 89 is amended in the following respect:

Paragraphs (a) and (b) of § 1316.108a are amended to read as follows:

(a) Unless it is otherwise provided by the Administrator, for contracts made on and after August 5, 1946:

(1) The maximum price applicable to the delivery of any goods subject to this regulation shall be the maximum price applicable to the goods at the time the

<sup>1</sup> 7 F.R. 1375, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8937, 8948; 8 F.R. 8070, 11245; F.R. 1717, 9616; 10 F.R. 6645, 14063, 14904; 11 F.R. 1215, 4973.

contract of sale is made, except that if delivery is not made within 120 days of the date of making the contract the maximum price shall be the lower of (1) the ceiling price in effect at the time the contract was made or (2) the ceiling price in effect at the time of delivery;

(2) For this purpose any amended or subsequent contract between the same parties covering all or part of the identical good shall be considered to have been executed on the same day as the initial contract; and

(3) No seller may use any escalator clause reserving to him the right to charge a price higher than the maximum price applicable to the initial contract.

(b) Where a petition for amendment has been duly filed, and such petition requires extensive consideration, or where the Administrator is giving consideration to an increase in maximum prices, and it is determined that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section by issuing an order permitting the making of contracts adjustable upon the establishment of an increased price by the Administrator prior to such time as the order is revoked.

This amendment shall become effective as of August 5, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13953; Filed, Aug. 9, 1946;  
4:06 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14, Amdt. 35]

##### NAILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Supplementary Regulation 14 is amended as follows:

Paragraph (d) of section 5.4 is amended by inserting the words "or emergency basing point, whichever is applicable" immediately before the words "as established by Revised Price Schedule No. 6."

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-14016; Filed, Aug. 12, 1946;  
11:54 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,<sup>1</sup> Amdt. 36]

##### IMPORTS; LUMBER AND OTHER LUMBER PRODUCTS

A statement of the considerations involved in the issuance of this amend-

<sup>1</sup> 10 F.R. 1154, 2026, 2161, 2432, 2618, 3551, 4107, 8620.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation is amended as follows:

In § 3.12 (a) subparagraph (2) is amended to read as follows:

(2) *Transactions covered.* This section govern all sales which are made in the United States of items which were subject to the General Maximum Price Regulation or the Maximum Import Price Regulation prior to March 25, 1946.

Specifically but not exclusively, this section does not cover imported logs, mahogany lumber (see Maximum Price Regulation 611) or those items of balsa lumber covered by § 3.11 of this regulation (see Amendment 19)

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14017; Filed, Aug. 12, 1946;  
11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[RMFR 165, Amdt. 2 to Supp. Service Reg. 54]  
LINEN SUPPLY SERVICES IN ATLANTA REGION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 1499.688 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Maximum prices.* The maximum prices established by Revised Maximum Price Regulation No. 165 for linen supply services supplied by sellers located in the Atlanta Region are hereby modified and henceforth shall be the prices set forth in Appendix A and Appendix B respectively. Appendix E states the maximum prices for "large accounts." Appendix A covers all other accounts.

2. Paragraph (b) (1) is amended to read as follows:

(b) *Nature of accounts.*—(1) *Large accounts.* "Large account" means a volume of \$50 or more of linen supply service sold to a purchaser during the calendar week in which this regulation becomes effective; it also means an account above the \$50 weekly minimum which has been designated as a "large account" by an OPA order in accordance with the provisions of paragraph (b) (2) hereof.

3. Paragraph (f) is amended to read as follows:

(f) *Notice requirements.* (1) Within 45 days from October 10, 1945, every seller of linen supply services covered by this regulation shall notify each of his customers of the maximum prices established in Appendix A.

(2) Within 30 days from August 17, 1946, every seller of linen supply services

covered by this regulation shall notify each of his "large account" customers of the maximum prices established in Appendix B hereof.

4. Paragraph (h) is amended by the deletion at the end thereof of the period " " and the addition of the phrase, "and, Appendix B."

5. Paragraph (J) (2) is amended by the insertion of the phrase "or Appendix B" immediately after the phrase "in Appendix A" and before the phrase "of this regulation."

6. Paragraph (J) (3) is amended by the insertion of the phrase "or Appendix B" immediately after the phrase "in Appendix A," and before the phrase "of this regulation."

7. Appendix B is added to follow Appendix A, to read as follows:

APPENDIX B—MAXIMUM PRICES FOR LINEN SUPPLY ITEMS SUPPLIED TO "LARGE ACCOUNTS"

	Per piece
1. Aprons—Bib or Bar.....	\$0.05
2. Coats.....	.17
3. Gowns.....	.24
4. Soda towels.....	.03
5. Table Tops.....	.045
6. Banquet Cloths.....	.16
7. Tea and Candy aprons.....	.04
8. Caps and Head Bands.....	.045
9. Head Rests.....	.045
10. Chef Caps.....	.05
11. Paper Caps.....	.10
12. Napkins.....	.0035
13. Napkins (Damask) 18".....	.003
14. Napkins (Damask) 22".....	.0125
15. Individual towels.....	.004
16. Roller towels (small).....	.0020
17. Roller towels (large).....	.035
18. Sheets.....	.07
19. Pillow Cases.....	.035
20. Spreads.....	.07
21. Special Coats.....	.19
22. Rx Coats.....	.19
23. Special Gowns.....	.23
24. Shirts.....	.15
25. Suits.....	.49
26. Table Cloths 54" x 84".....	.05
27. Table Tops, Damask 36".....	.045
28. Table Tops, 44".....	.045
29. Table Cloths, Damask 54".....	.065
30. Table Cloths 64".....	.075
31. Table Cloths 72".....	.085
32. Pants.....	.25
33. Coveralls.....	.30
34. Smocks.....	.18
35. Hand towels.....	.02
36. Shop towels.....	.004
37. Face towels.....	.003
38. Bath towels.....	.035
39. Glass towels.....	.01
40. Hair cloths.....	.06
41. Barber towels.....	.0075
42. Beauty towels.....	.0035
43. Shower Curtains.....	.03
44. Scarfs.....	.03
45. Rollers.....	.03
46. Doctor towels.....	.015
47. Massage towels.....	.015
48. Golf towels.....	.0075
49. Hot towels.....	.015
50. Butcher coats.....	.32

This amendment shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14022; Filed, Aug. 12, 1946;  
11:55 a. m.]

TITLE 33—PARKS AND FORESTS

Chapter I—National Park Service,  
Department of the Interior

PART 20—SPECIAL REGULATIONS

FISHING IN MOUNT RAMIER NATIONAL PARK

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) § 20.5 (b) and (c) of Title 36, Chapter I, Code of Federal Regulations, are amended to read as follows:

§ 20.5 Mount Ramier National Park. \* \* \*

(b) *Fishing; open season.* The fishing season in streams shall be from June 1 to October 15, inclusive, and in lakes from July 1 to September 30, inclusive, except in special areas listed below. Fishing is permitted only between the hours of 4:00 a. m. and 9:00 p. m.

(1) In Mowich Lake the fishing season shall be from August 1 to September 30, inclusive.

(c) *Fishing; closed waters.* The following waters are closed to fishing:

- (1) Tipsoo Lake.
- (2) Shadow Lake.
- (3) Klickitat Creek above the White River Entrance water supply intake.
- (4) Laughing Water Creek above the Chanapecosh water supply intake.
- (5) Panther Creek above the East Side Road.

Issued this 31st day of July 1946.

[SEAL] C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

[F. R. Doc. 46-13362; Filed, Aug. 9, 1946;  
4:18 p. m.]

TITLE 38—PENSIONS, BONUSES, AND  
VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS'  
CLAIMS

DETERMINATIONS AS TO BASIC ENTITLEMENT

§ 2.1063 *Service connection, sound condition at the time of entrance into service, aggravation and natural progress under Public No. 2, 73d Congress, as amended, §§ 35.011 and 35.012.* (a) Service connection connotes many factors. In general and fundamentally it means establishment of the incurrence of injury or disease or aggravation of a preexisting injury or disease resulting in disability coincidentally with the period of active military or naval service. This may be accomplished by the presentation of affirmative facts showing the inception or aggravation of an injury or disease during active service or through the operation of statutory or regulatory presumptions. Determinations as to service connection, in general, should be based on review of the entire evidence of record in the individual case with due consideration extended to the defined and consistently applied policy of the Veterans' Administration to administer the law under a broad and liberal interpretation consistent with the facts shown in



each case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service connection, such doubt will be resolved in favor of the veteran. Particular consideration should be accorded combat duty and other hardships of service.

(b) For the purposes of § 35.011 (a) (1) of this chapter, as amended July 13, 1943, every person employed in active service shall be taken to have been in sound condition when examined, accepted and enrolled for service except as to defects, infirmities or disorders noted at time of the examination, acceptance and enrollment or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such service. Relative to notation at enlistment, only those defects, infirmities and disorders recorded at the time of examination are to be considered as noted. History of the pre-service existence of defects, infirmities or disorders recorded at the time of examination for acceptance and enrollment does not constitute a notation of such conditions but will be considered together with all other material evidence in determinations as to the inception of such defects, infirmities or disorders.

(c) Ninety days or more service is not necessary under § 35.011 (a) (2) of this chapter, as amended July 13, 1943, and the provisions thereof are applicable to all war service as defined in § 35.011 (a) (1) as amended.

(d) "Clear and unmistakable" means obvious or manifest. Accordingly, evidence which makes it obvious or manifest, that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy the requirements of the statute. The requirement of the law is that claims to which the above cited presumptions apply be denied only on the basis of evidence which clearly and unmistakably demonstrates that the disease did not originate in service, or, if increased in service, was not aggravated thereby.

(e) Determinations concerning the inception of injury or disease not noted at enlistment under § 35.011 (a) (2) of this chapter, as amended July 13, 1943, should not be based on medical judgment alone as distinguished from accepted medical principles or on history alone without regard to clinical factors pertinent to the basic character, origin and development of such injury or disease. Adjudicative action under this regulation should be based on a thorough analysis of the entire evidentiary showing in the individual case and a careful correlation of all material facts with due regard to accepted medical principles pertaining to the history, manifestations, clinical course and character of such injury or disease. History conforming to accepted medical principles pertaining to such injury or disease should be given due consideration in conjunction with basic clinical data concerning the manifestation, development and nature of such injury or disease, and accorded probative value consistent with accepted medical and evidentiary principles in relation to other competent evidence in each case. All

material evidence relating to the incurrence, symptoms and course of the injury or disease, including official and other records made prior to, during or subsequent to service, together with all other lay and medical evidence concerning the inception, development and manifestations of such injury or disease, should be taken into full account subject to the limitations contained in section 105, Public No. 346, 78th Congress.

(f) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when in accordance with these principles existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, healed fractures, absent or resected parts of organs, supernumerary parts, congenital malformations, fibrosis evidencing formerly active tuberculosis, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and unmistakable proof that the disease existed prior to entrance into active service. Likewise, manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service.

(g) The application of the foregoing instructions carrying into effect the principles and intent of section 9 (b) Public No. 144, 78th Congress, will be in full accord with the principles involving clear and unmistakable evidence and burden of proof enunciated in Public No. 141, 73d Congress.

(h) The development of evidence in connection with claims heretofore or hereafter adjudicated under the provisions of sections 9 (a) and (b), Public No. 144, 78th Congress, will be accomplished when deemed necessary. Development should not be undertaken when the evidence present is sufficient for a proper determination of the question of service connection. In initially rating disability of record at the time of discharge, the records of the service department, including the reports of examination at enlistment and the clinical records during service, will ordinarily suffice. Rating of combat injuries or other conditions which obviously had their inception in service may be accomplished without awaiting copy of the examination at enlistment.

(i) Under § 35.011 (a) (1), (2), and (4) of this chapter, as amended July 13, 1943, injury or disease, apart from misconduct disease, noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment will be conceded to have been aggravated where such disability underwent an increase in severity during service unless such increase in severity is shown by

clear and unmistakable evidence, including medical facts and principles, to have been due to the natural progress of the disease. Aggravation of a disability noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to, during and subsequent to service. (Subject to the limitations of section 105, Public No. 346, 78th Congress) Sudden pathological developments involving preexisting disease as hemoptysis, spontaneous pneumothorax, perforation of gastro-duodenal ulcer, coronary occlusion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service establish aggravation unless it is shown by clear and unmistakable evidence that there was no increase in severity during service. Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a preservice injury or disease during service or at the time of discharge are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of preexisting disability during service. In determining aggravation by service due regard will be given the places, types and circumstances of the veteran's service and particular consideration will be accorded combat duty and other hardships of his service. The development of symptomatic manifestations of a preexisting injury or disease during or proximately following action with the enemy or following a status as a prisoner of war will establish aggravation.

(j) Determinations involving the consideration of sound condition at time of entrance into service, for the purposes of § 35.012 (a) (2) of this chapter, will be based upon the evidence of record and such evidence as may be secured in any case where for any reason additional evidence may be considered to be necessary for the purpose of such determinations. Evidence of the existence of a condition at the time of or prior to entrance into service shall mean any evidence which is of record and which is of a nature usually accepted as competent to indicate the time of existence or inception of disease or injury. In the exercise of medical judgment for the purpose of such determinations, rating agencies shall take cognizance also of the time of inception or manifestation of disease or injuries after the date of entrance into service, as disclosed by service records, and shall consider other entries or reports of proper military and naval authorities as they may relate to the existence of a condition at the time of or prior to enlistment or enrollment. Such records shall be accorded the weight to which they are entitled in consideration of other evidence and sound medical reasoning. The opinion of qualified physicians of the Veterans' Admin-

istration may be solicited whenever it is considered to be necessary or appropriate in any case.

(k) For the purposes of § 35.012 (a) (1) of this chapter, a preexisting injury or disease will be considered to have been aggravated by active military or naval service where there is an increase in disability during active service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease. A specific finding that the increase in disability is due to the natural progress of a disease will be met, for the purposes of § 35.012 (a) (1) by finding of a constituted rating agency of the Veterans' Administration based upon available evidence of a nature generally acceptable as competent to show that an increase in severity of a disease or injury, or of the disabling effects thereof, or acceleration in progress of a disease was that normally to be expected by reason of the inherent character of the condition, aside from any extraneous or contributing cause or influence peculiar to military service. (Sec. 1, 48 Stat. 8; 38 U.S.C. 701, 57 Stat. 554-560; 38 U.S.C. Ch. 12 note)

§ 2.1064 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public No. 346, 78th Congress.* (a) To be entitled to compensation or pension under § 35.01 of this chapter as amended, the period of active service upon which claim is based must have been terminated by discharge or release under conditions other than dishonorable. In other words benefits under Public No. 2, 73d Congress, and No. 346, 78th Congress, are barred where the person was discharged under dishonorable conditions. The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (1) for mutiny, (2) spying or (3) for an offense involving moral turpitude or wilful and persistent misconduct, of which convicted by a civil or military court: *Provided, however* That where service was otherwise honest, faithful and meritorious a discharge or separation other than dishonorable because of the commission of a minor offense will not be deemed to constitute discharge or separation under dishonorable conditions.

(b) In addition to the question of the character of the discharge there should also be borne in mind the provisions of section 300 of Public No. 346, 78th Congress, under which benefits under any laws administered by the Veterans' Administration are barred, as to the particular period of service, where a person is discharged or dismissed by reason of the sentence of a general court-martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duties or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. However, in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of the offense such person

was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration. However, veterans in receipt of pension or compensation on the date of the enactment of Public No. 346, 78th Congress, pursuant to the interpretation of prior laws, are not affected by the requirements of either section 300 or section 1503, Public No. 346, 78th Congress.

(c) The acceptance of an undesirable or blue discharge to escape trial by general court-martial will, by the terms of section 1503, Public No. 346, 78th Congress, be a bar to benefits under Public No. 2, 73d Congress, as amended, and Public No. 346, 78th Congress, as it will be considered the discharge was under dishonorable conditions.

(d) An undesirable or blue discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public No. 2, 73d Congress, as amended, and Public No. 346, 78th Congress. However, the facts in a particular case may warrant a different conclusion, in which event the case should be submitted to central office for the attention and consideration of the director of the service concerned. (As to the effect of alienage see § 2.1001 (j) of this chapter.) (58 Stat. 284; 38 U.S.C. 693)

§ 2.1065 *Wilful misconduct.* (a) A disabling condition will be considered to be the result of wilful misconduct for the purpose of all adjudications under § 35.01 of this chapter, as amended, and sections 27 and 28, Public No. 141, 73d Congress, as amended, when it is shown to have been incurred under conditions or in a manner set forth by § 35.10 (h) as amended by Public No. 439, 78th Congress, without regard to any prior determinations respecting the manner of its incurrence. A finding in any case that a disabling condition is of wilful misconduct nature, as defined by § 35.10 (h) as amended by Public No. 439, 78th Congress, will bar any right to pension or compensation under § 35.01, as amended, and sections 27 and 28, Public No. 141, 73d Congress, as amended.

(b) (1) Pension shall not be payable under § 35.013 of this chapter, as amended, for any disability due to the claimant's own wilful misconduct or vicious habits.

(2) For the purpose of adjudications under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress and § 35.017 (d) of this chapter, Public No. 2, 73d Congress, as amended, the definition established by precedents under section 213, World War Veterans' Act, 1924, as amended, for wilful misconduct will be applied.

(c) In determining whether an act is due to wilful misconduct the precedents under the World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public No. 439, 78th Congress. Generally, these precedents are to the effect that an act to be one of "wilful misconduct" must be "malum in se" or "malum prohibitum"

if involving conscious wrongdoing or known prohibited action. (Mere technical violation of police regulations or ordinances will not per se constitute "wilful misconduct" but are factors for consideration in the light of the attendant circumstances).

(d) Venereal diseases not meeting the requirements of section 2, Public No. 439, 78th Congress, that is, not incurred in service or if incurred in service where there was failure to report and receive treatment will be held to be due to wilful misconduct unless affirmatively shown to have been innocently acquired. Venereal diseases meeting the requirements of section 2, Public No. 439, 78th Congress, will not be deemed due to wilful misconduct. For compliance with the cited provision of law, there are three requirements, all of which must be met, for a finding of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct in venereal disease cases not shown to have been innocently acquired during service: (1) the initial infection must have been incurred in active service, as provided in § 2.1059 (a) (2) the person must have reported promptly to proper authority the earliest manifestation of the venereal disease; and (3) the person must have submitted to the treatment prescribed and continued such treatment until the approved conclusion thereof. An affirmative determination as to each of the three foregoing requirements of law will be necessary for findings of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct. If any one of the three requirements is not met, a finding of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct may not be made for the purpose of Public No. 439, 78th Congress. Where the reports furnished by the service department, together with all other evidence of record, considered in accordance with accepted medical principles, are adequate for adjudication in conformity with the foregoing, it will not be necessary to secure additional information from the service department. If the available service record is found incomplete and insufficient for adjudicative action, additional information may be requested from the service department on Form 3101 series. Where found indicated the syphilitic register or a photostatic copy should be obtained. Where found indicated, inquiry should be made of the service department as to whether or not the serviceman was subjected to disciplinary action for failure to report the incurrence of venereal disease during service or to accept treatment therefor. Where there is a question as to time of incurrence of the venereal disease, that is, after entry into service or prior thereto, consideration will be accorded medical principles pertaining to the incubation period in relation to the initial or acute manifestations of the disease and the period and course of the clinical evolution of the secondary and late residuals manifested, as reflected by the facts of record in the individual case. Medical principles establishing that the disease was incurred prior to entry into service will meet the clear and unmistakable evidence requirements of section 9

(b) Public No. 144, 78th Congress. However, as to venereal diseases, attention is invited to the well accepted and established medical principles which hold generally that increase in severity of manifestations of venereal disease is due to the natural progress thereof and it will be so determined (and such criteria constitutes clear and unmistakable evidence) except where the facts of record indicate the increase in manifestations was precipitated by trauma or by the conditions of the veteran's service, in which event the increase in manifestations will be determined to be aggravation. (For conditions under which compensation is payable under the World War Veterans' Act, as amended, to World War I veterans for disability due to wilful misconduct, see §§ 2.1138 and 2.1139) (Sec. 4, 48 Stat. 9; 38 U.S.C. 704; 58 Stat. 752.)

§ 2.1006 "Line of duty" under §§ 35.011 and 35.012, as amended. (a) Sections 35.011 and 35.012 of this chapter, as amended, require that a disabling condition for which pension or compensation is claimed, shall have been incurred in line of duty, except in cases where a right to pension or compensation is preserved by § 35.04. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in § 35.10 (h), as amended, by Public No. 439, 78th Congress, and the legal presumptions of the various laws, may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in § 35.10 (h) as amended by Public No. 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10 (h) as amended by Public No. 439, 78th Congress, will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent: *Provided*, That on or after June 16, 1938, the date of approval of Public No. 648; 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. In cases in which a determination is required as to whether disability was incurred while "avoiding duty

by \* \* \* absents himself without leave materially interfering with the performance of military duties" consideration is to be given to the evidence, including the report of the Service Department, as to the fact and extent of interference with performance of duty. Generally, it is to be concluded that the material interference does not result from brief absence for a period during which no specific duty assignment was made or would have been made if the person had not been absent without leave, unless a specific duty assignment was avoided by absence without leave.

No change in (b)

(Sec. 1, 48 Stat. 8; 38 U.S.C. 701, 58 Stat. 752)

§ 2.1067 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war or (3) while the United States is engaged in war* (Public No. 359, 77th Congress.) (a) For an injury or disease received in active service subsequent to March 4, 1861, in line of duty, (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war, the veteran shall be entitled to the wartime rates provided by § 35.011 of this chapter.

(b) (1) "As a direct result of armed conflict" shall mean any situation in which a member or members of the military or naval forces incur death, injury or disease in line of duty as a direct result of the use of any instrumentality employed as a weapon in a war offensive or defensive, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla warfare, et cetera. The concept "armed conflict" relates to the actual use of firearms or other instrumentalities of war, e. g., submarines or military aircraft, by a belligerent nation or faction, with which the United States is not at war, under circumstances endangering the lives or safety of members of the United States forces. Thus, if a ship is torpedoed, or subjected to aerial attacks, by the action of a belligerent nation, with resultant death or disability affecting members of the United States forces, the death or disability is attributed to armed conflict. A person injured by instrumentalities of war under the control of any belligerent nation or faction, or subjected to exposure as a result of their operations, incurs any resultant disability as a result of armed conflict.

(2) Clearly, the application of the foregoing definition would include death, injury or disease incurred as the direct result of the bombing of the USS Panay, the torpedoing of the USS Kearney, and the sinking of the USS Reuben James. Also included would be death, injury or disease incurred by personnel of the military or naval forces of the United States assigned for duty with the military or naval forces of another nation, such as observers, if the direct result of armed conflict. Similarly, within the meaning of the phrase would be an incident or even whereby death, disease or

injury was incurred as the direct result of the hostile operations of a vessel or aircraft, friendly or not friendly to the United States. Death, injury or disease will be considered as resulting directly from armed conflict when the primary, contributory or proximate cause thereof results directly from armed conflict as defined herein.

(c) (1) "Extra hazardous service, including such service under conditions simulating war" comprehends service in peacetime which is more hazardous than normal peacetime service. Service under conditions simulating war is extra hazardous, and other service will be considered extra hazardous, if performed (1) under conditions recognized as exceptionally dangerous, (2) or involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptionally dangerous, include the following: While actually engaged in aircraft, submarine or diving and dangerous testing operations of instrumentalities of war in differentiation from service involving their routine peacetime use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the casting off to the final berthing, as of a submarine, is considered as incurred in extra hazardous service. Servicing the aircraft while the propeller revolves, or loading or unloading explosives from aircraft is considered extra hazardous. Testing or demonstrating explosives, and demolition work with explosives, are considered extra hazardous. Other examples are duty on convoy or patrol vessels and while manning guns or merchant vessels. Service falling within the second category as involving risks beyond those ordinarily encountered in routine peacetime duties, includes among others, the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any conditions which he would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual service of exceptional risk or danger, as extinguishing a serious fire or conflagration, serving where explosives are stored in quantity, rescues, at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with fire-arms or other instrumentalities of war on land or sea, unless directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the soldier or sailor.

(2) Campaigns, expeditions, and occupations are one type of service which may involve armed conflict, and usually contain extra hazardous service. A person on an expedition, injured at drill, target practice, practice march, work in the barracks, tents, or shops, would not generally be considered as injured incident to extra hazardous service. But, if

such functions were performed under extra hazardous conditions, due to the locality, nearness of the enemy, without the usual and ordinary safeguards, etc., the conditions of the law may be met. Endemic diseases, and diseases arising out of exposure, on expeditions, may likewise be a basis of entitlement under Public No. 359. The diseases recognized as endemic to tropical service on the basis of present information are amebic and bacillary dysentery and malaria. The general test with regard to expeditions is: Did the injury or disease arise directly out of the performance, under orders, of military or naval duty peculiar to, or advancing the purpose thereof and under circumstances more dangerous than in normal peacetime service; if so, the circumstances are, as a rule, extra hazardous. Attention is invited to R. & P. A-36-54 inclusive, relating to expeditions, etc.

(3) The act specifies, "extra hazardous service, including such service under conditions simulating war." The expanding Army and Navy in 1940-41, from the standpoint of their training and operations, are to be regarded as under emergency conditions in relation to national defense in the face of threatened war. In the hearings on the bill, the representative of the War Department stated that men on maneuvers take practically the same risks they take during time of war. The representative of the Navy Department stated that every man at sea today (in 1941) is engaged in service under conditions simulating war. The haste of this organization and training, the introduction of new methods of combat training, the inclusion of large numbers of men who would not expect to serve their country under arms except in time of war, are intended to be given special recognition in the act.

(4) Maneuvers such as those of 1940-41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous.

(5) Any injury, or death resulting therefrom, incurred while engaged in extra hazardous service, if in line of duty and not the result of some cause independent of the extra hazardous service will be held within the contemplation of the law.

(6) It will be seen that the innumerable combinations of circumstances which may exist in connection with the incurrence of death, injury or disease clearly preclude a line of definite demarcation between service which is extra hazardous and that which is attended by what might be considered the ordinary hazards of peacetime service in the armed forces. Each claim will be adjudicated on the facts adduced therein and determinations will be reached through an adequate understanding of the purpose to be achieved and the exercise of sound judgment. (Sec. 1, 48 Stat. 8; 38 U.S.C. 701, 55 Stat. 844; 38 U.S.C. 726)

§ 2.1068 *Definition of "explosion or a violent bursting of an instrumentality of war"* This term, as used in section 212, Public No. 212, 72d Congress, as amended by Public No. 743, 76th Congress, signifies a sudden ex-

plosion or a violent bursting of an instrumentality of war, such as the explosion of a bomb, hand grenade, shrapnel, bullet, etc., and is not applicable to disabilities incurred as a result of crashes or collapses of instrumentalities of war. (47 Stat. 406, 5 U.S.C. 59a)

§ 2.1069 *Forfeiture.* No change in (a) (b) or (c)

(d) *Forfeiture for treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents: *Provided*, That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead. (Sec. 4, Public No. 144, 73d Congress, act of July 13, 1933) (57 Stat. 554-560; 38 U.S.C. 728)

#### ESTABLISHMENT OF SERVICE CONNECTION AND APPLICATION OF RATING PRINCIPLES

##### *Disposition of Original Application*

§ 2.1075 *Preliminary action by authorization unit.* Upon receipt of an original application for disability compensation, pension or subsistence allowance in the adjudication division, it will be referred to the authorization unit for review and development in accordance with established procedure. The authorization unit will determine whether there exists a statutory or regulatory bar to entitlement prior to the presentation of the case to the rating board. In making determinations as to line of duty or willful misconduct other than as no specific diseases and their sequelae, the responsible personnel of the authorization unit will be guided by the general policy of resolving all reasonable doubts in favor of the claimant. (Sec. 1, 48 Stat. 8; 38 U.S.C. 701; 58 Stat. 752)

§ 2.1076 *Original examinations for disability compensation or pension.* In original claims for disability pension or compensation, either for peacetime or wartime service, service-connected or otherwise, an examination will not be authorized, unless and until evidence is of record, either from the service departments, or in the form of affidavits indicating the reasonable probability of a valid claim. If, after the development of the case, it is indicated that probability of a valid claim exists, an examination may be requested. Where the claimant appears in person and preliminary inquiry establishes the reasonable probability of a valid claim, an immediate physical examination may be requested. (§ 35.01 series of this chapter.) Where claim is filed within six months from date of discharge, it will be rated initially on the records of the service department unless it is clear that error would result from such rating. In making examinations first priority is to be accorded pending cases filed more than six months after discharge and in those wherein it is impossible to rate upon service records. (Sec. 1, 48 Stat. 8; 38 U.S.C. 701)

#### SERVICE CONNECTION

§ 2.1077 *Direct and presumptive service connection.* (a) Under Public No. 2 and Public No. 141, 73d Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in or aggravated by active military or naval service within the dates prescribed under each act and under Public No. 344, 73d Congress, *Provided*, That such incurrence or aggravation is not the result of the willful misconduct of the veteran. Under Public No. 141, 73d Congress, disability compensation is also authorized for disabilities presumptively service connected under the conditions hereinafter specified. Under Public No. 2, 73d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peacetime service during an enlistment on and after April 21, 1898. Under Public No. 196, 76th Congress (July 19, 1939) any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability and who was in receipt of compensation therefor on March 19, 1933, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, if otherwise entitled, notwithstanding such disability is considered to have been incurred as the result of the willful misconduct of the veteran. On or after October 17, 1940, under section 7 of Public No. 866, 76th Congress (October 17, 1940), any World War veteran, if otherwise entitled, may be paid disability compensation for such disability, found to have been incurred in service, directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, although he was not on the rolls as of March 19, 1933. (Secs. 1, 2, 49 Stat. 869; 38 U.S.C. Sup. 704a, 724; 58 Stat. 752)

No change in (b)

§ 2.1078 *Presumption of soundness under Public No. 2, 73d Congress.* Cancelled August 9, 1946.

§ 2.1083 *Presumptive service connection for diseases listed in the second proviso, Section 200, World War Veterans' Act, 1924, as amended.* The presumption of incurrence for the diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended, applies under Public No. 141, 73d Congress, except where clear and unmistakable evidence discloses that the disease, injury, or condition had inception before or after the period of active military or naval service. The presumption is not applicable in cases where the disability is due to willful misconduct of the veteran. (Sec. 11, 46 Stat. 935, sec. 27, 48 Stat. 524; 38 U.S.C. 471, 471a; 53 Stat. 752)

#### SERVICE CONNECTION FOR TUBERCULOSIS DISEASES

§ 2.1099 *Findings establishing a diagnosis of active pulmonary tuberculosis.* In all cases in which a determination is to be made of the development of active



tuberculosis to a ten percent degree of disability or more prior to January 1, 1925, as provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, the following standards will be applied: Active pulmonary tuberculosis, diagnosed by approved methods will be held to have preexisted the diagnosis six months in minimal (incipient) cases; nine months in moderately advanced cases, and twelve months in far advanced cases. (Sec. 11, 46 Stat. 995, sec. 28, 48 Stat. 524; 38 U.S.C. 471, 722)

§ 2.1100 *Natural progress under §§ 35.011 and 35.012.* For the purposes of §§ 35.011 (a) (4) and 35.012 (a) (1) of this chapter, a preexisting injury or disease will be considered to have been aggravated by active military or naval service where there is an increase in disability during active service unless there is a specific finding that the increase in disability is due to the natural progress of the disease. A specific finding that the increase in disability is due to the natural progress of a disease will be met, for purposes of § 35.012 (a) (1) by a finding of a constituted rating agency of the Veterans' Administration based upon available evidence of a nature generally acceptable as competent to show that an increase in severity of a disease or injury, or of the disabling effects thereof, or the acceleration in progress of a disease was that normally to be expected by reason of the inherent character of the condition, aside from any extraneous cause or influence peculiar to military service. For purposes of § 35.011 (a) (4) aggravation must be conceded except where contrary to clear and unmistakable facts, including medical principles. Medical judgment alone as distinguished from well established and accepted medical principles is not sufficient to support a finding of natural progress. (Sec. 1, 48 Stat. 8, 38 U.S.C. 701, 57 Stat. 554-560; 38 U.S.C. Ch. 12, Note)

**PENSION OR COMPENSATION FOR DISABILITY OR DEATH THE RESULT OF TRAINING, HOSPITALIZATION, OR MEDICAL OR SURGICAL TREATMENT**

§ 2.1121 *Pension or compensation for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Title III, Public No. 141, 73d Congress, the result of examination under section 12, Public No. 866, 76th Congress, or the result of training under § 35.017 (d) as amended.* For the purposes of the sections referred to:

(a) Where any veteran suffers or has suffered an injury, or the aggravation of any existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded under any of the laws granting monetary or other benefits to World War veterans, or as the result of having submitted to examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his wilful misconduct, when such injury or aggravation results in additional disability to or the death of such veteran, the benefits of Public No. 2, as amended, Public No. 78 and Public No. 141, 73d Con-

gress, will be awarded in the same manner as if such disability, aggravation or death was service connected within the meaning of such laws. The benefits of this section will be in lieu of the benefits if payable, under the act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

No change in (b) or (c)

(d) No benefits under § 35.017 (d) of this chapter, as amended, on account of disability or death resulting from an injury or aggravation of an injury incurred in pursuing a course of vocational rehabilitation shall be awarded prior to the date of application on or after March 24, 1943, and unless application is made therefor within two years after such injury or aggravation was suffered or such death occurred or after March 24, 1943, whichever is the later date: *Provided*, That in claims for death benefits the effective date of the award will be March 24, 1943, or the day following the date of death, whichever is the later, if application is filed within one year of the veteran's death. (Sec. 31, 48 Stat. 526; 38 U.S.C. 501a; 67 Stat. 43; 38 U.S.C. 701)

§ 2.1122 *Jurisdiction of claims under section 31, Public No. 141, 73d Congress, and section 12, Public No. 866, 76th Congress.* Canceled August 9, 1946.

§ 2.1123 *Initial determinations and adjudicative action under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) as amended.* Disability compensation or pension will be payable only when it is determined (1) that there is additional disability and (2) that such additional disability resulted from an injury or an aggravation of an existing injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The following principles will be observed:

(a) The determination that additional disability exists will be based upon a comparison of the beneficiary's physical condition immediately prior to the injury on which the claim for compensation or pension is based, with the subsequent physical condition resulting from the injury. Where it is determined that there is additional disability resulting from an injury or an aggravation of an existing injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination, compensation or pension will be payable only for the additional disability in accordance with the terms of the effective Schedules of Disability Ratings, the terms of the General Law (Act of July 14, 1862) where service was prior to April 21, 1898, and the terms of the various service pension acts. This comparison will be made separately for each body part involved. As applied to medical or surgical treatment, the physical condition prior to the injury will be the condition which the specific medical or surgical treatment was designed to relieve; as applied to examinations, the

physical condition prior to the injury will be the condition at time of beginning the physical examinations as a result of which the injury was sustained.

(b) In determining whether such additional disability results from an injury or an aggravation of an existing injury suffered as the result of training, hospitalization, medical or surgical treatment or examination, the following considerations will govern:

(1) It will be necessary to show that the additional disability is actually the result of such injury or an aggravation of an existing injury and not merely coincidental therewith.

(2) Compensation or pension will not be payable for the continuance or natural progress of diseases or injuries for which the training, or hospitalization, etc., was authorized.

(3) The mere fact that aggravation occurred will not suffice to make the additional disability compensable or pensionable in the absence of proof that it resulted from an injury or an aggravation of an existing injury suffered as the result of training, or hospitalization, etc.

(4) Compensation or pension is not payable for either the usual or the unusual after-results of approved medical care properly administered, in the absence of a showing that the disability proximately resulted through carelessness, accident, negligence, lack of proper skill, error in judgment, etc. The question as to what is an accident, for the purpose of determining entitlement to benefits under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under § 35.017 (d) of this chapter, as amended, is one for determination by the adjudicating agencies.

(5) Compensation or pension will not be payable for the residuals of medical care or treatment given outside of a Government hospital or clinic unless such medical care or treatment was specifically authorized under one of the acts referred to in these regulations, or unless it is held to be adjunct treatment in connection with other treatment specifically authorized.

(6) The claimant's wilful misconduct or failure to follow instructions in connection with training, hospitalization, medical or surgical treatment, or examination, will bar him from the receipt of compensation or pension hereunder except in the case of incompetent claimants. (Sec. 31, 48 Stat. 526; 38 U.S.C. 501a; 57 Stat. 43; 38 U.S.C.A. 7d)

§ 2.1124 *Combination of ratings under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) of this chapter, as amended.*

(a) With respect to payment of the greater monetary benefit, it is contemplated that where two or more disabilities exist, including the disability determinable under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, § 35.017 (d) as amended, the greater monetary benefit will be decided upon only after the several disabilities have been evaluated and combined separately under the alternative



laws applicable as herein indicated. For example, under § 3.1245 of this chapter, the several disabilities should be evaluated and combined under § 35.011, in accordance with the Schedule for Rating Disabilities, 1933, and under section 28, Title III, Public No. 141, 73d Congress, in accordance with the Schedule of Disability Ratings, 1925, and extensions thereto; and a comparison of the results obtained will show the greater monetary benefit to be paid.

(b) For the purpose of section 31, section 12 and § 35.017 (d) as amended, ratings will not be combined with ratings for diseases or injuries not due to service. Consequently, where benefits are currently payable for a nonservice-connected disability and benefits are found payable under section 31, section 12 or § 35.017 (d) payments under these sections will not be authorized unless it is a greater benefit. Where a veteran with wartime service has suffered a compensable or pensionable disability and a service-connected compensable or pensionable disability due to war or peacetime service, the evaluation or disability will be combined and payment will be made in accordance with the rate provided in paragraph (a) above. (Sec. 31, 48 Stat. 526; 38 U.S.C. 501a; 57 Stat. 43; 38 U.S.C.A. 701)

#### APPLICATION OF RATING SCHEDULE

§ 2.1173 *Determinations of incompetency or competency.* No change in (a), (b) (c) or (d).

(e) (1) In World War II cases the determination of the service department that a veteran is incompetent may be confirmed by the rating board only in the event the records show conclusively that the veteran is wholly incapable of disbursing the funds he is to receive from the Veterans' Administration in a reasonably prudent manner. In other words it must be clear that due to the utter lack of consideration of values or complete disregard of his own or his dependents' needs he would wantonly dissipate his funds. Where there is any doubt as to whether he is capable of administering his funds such doubt will be resolved in favor of his competency and an award will be made to him. However, where the veteran is maintained in a Veterans' Administration hospital or center, unless assured that the veteran has made a marked recovery since examination in the armed service, and that his release from the hospital or center may be anticipated in a relatively short time, and that he will be able to handle his funds as a competent patient while hospitalized, an opinion of incompetency would be justified and consistent with the purpose of hospitalization, and should be so expressed in the report of examination. The rating boards will bear in mind the consistency of a rating of incompetency of a hospitalized veteran with a mental disability evaluated as 100 percent.

(2) If the veteran upon discharge from the service is not admitted to a Veterans Administration hospital or center or other institution for treatment of mental diseases, the case will be rated upon the records of the Service Department. If upon application of the rule stated in paragraph (e) (1) the rating agency

concludes the veteran is incompetent he will be so rated and the case will be referred to the chief attorney as provided in § 20.5200 of this chapter. The chief attorney will proceed to develop information as to the veteran's social, economic and industrial adjustment since discharge from the service, pursuant to the procedure set forth in medical procedure. Upon review of the evidence thus developed if the chief attorney concurs in the rating of incompetency he will proceed to effect the appointment of a fiduciary or, if the veteran's wife is married, to recommend release of payments to the veteran's wife as provided in § 20.5201 (a) of this chapter. If the chief attorney determines that the veteran is sufficiently competent to administer the funds payable, the evidence will be referred to the rating agency with a statement as to his conclusion, the evidence will be re-evaluated, the veteran will be rated competent and a rating commensurate with the degree of disability assigned. In the case of a veteran suffering from mental disability who is being or has been discharged from a hospital subsequent to his release from service and is rated incompetent following the rule stated in paragraph (e) (1) the instructions contained in this section will be followed. The provisions of this paragraph are applicable to all veterans having mental disabilities. (R.S. 471, sec. 5, 43 Stat. 603, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 618, 1306, 1307, sec. 3, 43 Stat. 9; 38 U.S.C. 473-480, 482-491, 703)

#### PHYSICAL EXAMINATIONS AND REEXAMINATIONS

§ 2.1185 *Reexaminations to be requested when necessary.* No change in (a)

(b) Reexaminations for compensation and pension rating in service connected cases under Public No. 2 or Public No. 141 will not be requested in cases conforming to the standards of permanence set forth in § 2.1144 (b) (c) or (d) When not conforming to these standards, reexamination will be requested once in thirty months. Examinations at shorter intervals in accordance with anticipated improvement in individual cases may be requested when necessary with service connected diseases and injuries of recent origin or acute exacerbations temporarily increasing the severity. In World War II cases future requests for examination will be made, first, in Extension No. 6 cases, or "convalescent rating from date of discharge" cases under the revised, 1945, rating schedule, in six months; second, in cases rated fifty percent or more which are likely to improve, generally, in from one to two years; third, in all other cases, including static disability in from two to five years, depending on the percentage rating, the highest rated earliest. It is not intended that a second examination be authorized in a case involving only static disability, found to be such on the first examination by the Veterans Administration. Examinations scheduled for future dates may be rescheduled earlier if the facilities permit. Second, and later, examinations by the Veterans Administration, when required, will be scheduled, generally, in from one to five

years, according to the likelihood of early improvement. Routine future requests for examinations for rating purposes should be limited to the service-connected disabilities of record. This limitation in the examination request should not be construed by examining physicians as discouraging necessary special examinations when indicated by the veteran's complaints or required for the complete analysis of the service-connected disability, for example, neurological examinations as supplementary to orthopedic or surgical examinations in injury cases, or psychiatric examination when persistent symptoms formerly ascribed to organic disease are found no longer to be so caused. Indicated special examinations to cover persistent symptoms formerly ascribed to psychoneurosis are also to be made when the psychoneurosis is found no longer to be the causative disease. (R. S. 471, sec. 5, 43 Stat. 603, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707)

#### No change in (c)

NOTE: §§ 2.1099 to 2.1124, inclusive, issued under the authority contained in R. S. 471, sec. 5, 43 Stat. 603, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U.S.C. 2, 11, 11a, 426, 707. Additional statutory provisions noted in parentheses at end of particular sections.

#### PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, examination under section 12, Public No. 866, 76th Congress and § 35.017 (d), as amended.* Where the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II) the compensation or pensions to be awarded will be determined as follows:

(a) *World War service.* In claims of veterans with World War service as defined in Public No. 2, as amended, Public No. 141, 73d Congress, Public No. 344, 74th Congress, or Public No. 304, 75th Congress, and regulations and instructions issued pursuant thereto, the compensation or pension to be awarded will be in accordance with the rates provided in the § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1933, or, as to World War I veterans, in accordance with the rates provided in section 28, Title III, Public No. 141, 73d Congress, and the Schedule of Disability Ratings, 1925, and extensions thereto, whichever is the greater monetary benefit.

(b) *Service connection to be direct.* Under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and § 35.017 (d) of this chapter, as amended, service connection for additional disabilities incurred in the manner therein specified will be direct. Veterans with disabilities presumptively due to World War I service, who acquire additional disabili-

ties as the result of training, hospitalization, or medical or surgical treatment, or as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans will be paid benefits for such additional disabilities at 100 percent of the rates provided therefor in the Schedule of Disability Ratings, 1925, and extensions thereto, if otherwise entitled.

(c) For other than World War service, see §§ 4.2085 to 4.2089, inclusive, of this chapter. (R.S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U.S.C. 2, 11, 11a, 426, 707; 57 Stat. 43, 38 U.S.C.A. 701)

#### PART 4—ADJUDICATION: VETERANS CLAIMS, CENTRAL OFFICE SECTION

##### JURISDICTION

§ 4.2025 *Jurisdiction of the Claims Division, Central Office.* Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pensions, subsistence allowance, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1903.

(b) Where the veteran is an employee in either the classified or unclassified service or a member employee who has been continuously employed for ninety days in the Veterans Administration. See § 2.1012 of this chapter.

No change in (c), (d) or (e)

(f) In cases under the jurisdiction of the division, claims under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under § 35.017 (d) of this chapter, as amended.

No change in (g), (h) (i) (j) (k) or (l)

(m) Residents of United States Soldiers Home, Washington, D. C.

Paragraphs (n) to (t), inclusive, added as follows:

(n) Claims involving sections 4 and 5, Public No. 144, 78th Congress.

(o) Where retired persons, as contemplated by Public No. 314, 78th Congress, file application for monetary benefits under any of the laws administered by the Veterans' Administration.

(p) In cases under jurisdiction of the division, determinations whether the character of discharge is a bar to benefits, including benefits under Titles II, and III and V of Public No. 346, 78th Congress, and hospital treatment, domiciliary care, and out-patient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases.

(q) In cases under the jurisdiction of the division, determinations whether disabilities are service connected and pensionable for purposes of vocational rehabilitation, education or training; for awarding increased pension payable because of vocational rehabilitation and for the awarding of subsistence allowances payable during a period of education or training.

(r) In cases under the jurisdiction of the division, determinations whether injury or disability for which discharged, where there was service of less

than ninety days, was incurred in service in line of duty for the purposes of Titles II, III and V, Public No. 346, 78th Congress.

(s) Determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested.

(t) Any claim not otherwise under the jurisdiction of central office referred by competent authority for action.

(48 Stat. 8, 9, 525, 38 U.S.C. 366, 701, 704, 707, 57 Stat. 554-560; 38 U.S.C. 728, 729; 58 Stat. 230; 38 U.S.C.A. 26c; 58 Stat. 284; 38 U.S.C. 693)

[SEAL] OMAR N. BRADLEY,  
General, U. S. Army,  
Administrator of Veterans' Affairs.

AUGUST 9, 1946.

[F. R. Doc. 46-13949; Filed, Aug. 9, 1946; 12:20 p. m.]

#### TITLE 43—PUBLIC LANDS: INTERIOR

##### Chapter II—Bureau of Reclamation, Department of the Interior

[No. 43]

#### PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

##### CALIFORNIA TULE LAKE DIVISION, KLAMATH IRRIGATION PROJECT, OREGON

1. *Public land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplemental thereto, it is hereby announced that water will be available in the irrigation season of 1947 and thereafter, and beginning September 15, 1946, entry may be made in accordance with this notice for the following described public lands under the Tule Lake Division of the Klamath Irrigation Project, Oregon-California, as shown on farm unit plats of Township 47 North, Ranges 5 and 6 East and Township 48 North, Range 5 East, Mount Diablo Meridian, California, to wit:

##### MOUNT DIABLO MERIDIAN, CALIFORNIA TOWNSHIP 47 NORTH RANGE 5 EAST

Farm unit	Section	Description	Total irrigable acreage
A	1	Lots 16 and 17.....	84.0
B	1	Lot 20 and W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	101.2
A	2	Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .....	73.5
B	2	Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	73.7
C	2	Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .....	73.3
D	2	Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .....	74.2
E	2	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	76.5
F	2	E $\frac{1}{2}$ SW $\frac{1}{4}$ .....	76.0
G	2	W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	76.2
H	2	E $\frac{1}{2}$ SE $\frac{1}{4}$ .....	75.8
A	11	Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .....	65.8
B	11	Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	68.3
C	11	Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .....	68.3
D	11	Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .....	68.3
E	11	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	74.7
F	11	E $\frac{1}{2}$ SW $\frac{1}{4}$ .....	73.8
G	11	W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	74.1
H	11	E $\frac{1}{2}$ SE $\frac{1}{4}$ .....	73.8
C	12	Lots 6, 16 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .....	127.9
E	12	Lots 10 and 11.....	80.0
B	12	Lots 17, 18 and W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	137.5
A	12	Lots 9 and 12.....	.....
	17	Lots 12 and 13.....	129.6
A	13	Lot 1 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	.....
	18	Lot 10.....	87.8
B	13	Lot 2 & SW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	.....
	18	Lot 11.....	94.8

<sup>1</sup>T. 47 N., R. 6 E., M. D. M.

##### MOUNT DIABLO MERIDIAN, CALIFORNIA—Continued TOWNSHIP 47 NORTH RANGE 5 EAST—continued

Farm unit	Section	Description	Total irrigable acreage
G	13	Lot 3 & NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	18	Lot 14.....	93.0
H	13	Lot 4 & SW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	18	Lot 15.....	109.6
C	13	E $\frac{1}{2}$ NW $\frac{1}{4}$ .....	74.0
D	13	W $\frac{1}{2}$ NW $\frac{1}{4}$ .....	74.3
E	13	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	74.6
F	13	E $\frac{1}{2}$ SW $\frac{1}{4}$ .....	74.3
A	14	E $\frac{1}{2}$ NE $\frac{1}{4}$ .....	73.0
B	14	W $\frac{1}{2}$ NE $\frac{1}{4}$ .....	74.2
C	14	E $\frac{1}{2}$ NW $\frac{1}{4}$ .....	73.9
D	14	W $\frac{1}{2}$ NW $\frac{1}{4}$ .....	74.2
E	14	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	74.5
F	14	E $\frac{1}{2}$ SW $\frac{1}{4}$ .....	74.2
G	14	W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	74.5
H	14	E $\frac{1}{2}$ SE $\frac{1}{4}$ .....	74.2
L	16	W $\frac{1}{2}$ NW $\frac{1}{4}$ .....	67.2
A	23	E $\frac{1}{2}$ NE $\frac{1}{4}$ .....	73.3
B	23	W $\frac{1}{2}$ NE $\frac{1}{4}$ .....	74.0
C	23	E $\frac{1}{2}$ NW $\frac{1}{4}$ .....	73.2
D	23	W $\frac{1}{2}$ NW $\frac{1}{4}$ .....	74.7
E	23	Lots 3, 4 and 6.....	100.7
F	23	Lot 5.....	.....
	26	Lot 20.....	.....
	27	Lots 18 and 20.....	91.3
D	24	W $\frac{1}{2}$ NW $\frac{1}{4}$ .....	75.0
C	24	E $\frac{1}{2}$ NW $\frac{1}{4}$ .....	73.2
E	24	Lots 9, 10 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .....	77.5
F	24	Lots 7, 8 and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	76.8
B	24	Lots 5 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	.....
	19	Lot 10.....	61.8
A	24	Lot 4 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	.....
	19	Lot 9.....	100.0
G	24	Lots 12 and 13.....	.....
	25	Lots 19 and 20.....	74.2
A	27	Lots 10, 23, 24, 27 and 28.....	83.9
B	27	Lots 11 and 32.....	80.9
A	28	Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .....	78.4
B	28	Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	78.4
C	28	Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .....	78.3
D	28	Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .....	60.8
E	28	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	60.8
F	28	E $\frac{1}{2}$ SW $\frac{1}{4}$ .....	77.0
G	28	W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	.....
	33	Lot 20.....	85.3
H	28	Lot 5.....	.....
	27	Lot 31.....	70.1
A	33	Lots 10, 15 and 16.....	73.5

T. 45 N., R. 6 E., M. D. M.

F	25	Lots 16 and 17.....	.....
	26	Lot 7 and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	120.9
G	26	E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	111.1
L	26	W $\frac{1}{2}$ SW $\frac{1}{4}$ .....	.....
	27	E $\frac{1}{2}$ SE $\frac{1}{4}$ .....	141.3
G	27	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	109.6
H	27	NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	.....
	28	NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .....	107.3
J	27	S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .....	.....
	34	Lots 2 and 3.....	110.8
K	27	S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	.....
	28	S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	33	NE $\frac{1}{4}$ NE $\frac{1}{4}$ .....	.....
	34	Lot 4.....	113.8
J	28	W $\frac{1}{2}$ SE $\frac{1}{4}$ .....	.....
	33	NW $\frac{1}{4}$ NE $\frac{1}{4}$ .....	109.8
G	33	Lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	113.8
H	33	SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	34	E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	113.7
L	33	Lot 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	102.7
B	34	Lots 5 and S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	101.0
A	34	SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .....	111.0
D	34	Lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	35	NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	60.8
E	34	S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	35	S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	99.5
M	34	Lot 8, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .....	.....
	35	Lot 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .....	68.8
C	35	NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .....	96.6

<sup>1</sup>T. 47 N., R. 6 E., M. D. M.

## T. 48 N., R. 5 E., M. D. M.—continued

Farm unit	Section	Description	Total Irrigable acreage
F	35	S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , N <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , N <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , N <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , N <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> , and S <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	69.4
A	35	Lots 2, 3 S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> and S <sup>1</sup> / <sub>4</sub> S <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	93.0
B	35	E <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> -----	
	36	Lots 13 and 14-----	123.8
G	35	Lot 4 and NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> -----	
	36	Lot 29-----	103.9
A	36	Lots 5, 6, 12, 15 and 16-----	94.4

The farm unit plats referred to above were approved on the date of this notice and are on file in the Office of the Superintendent, Bureau of Reclamation, Klamath Falls, Oregon, and in the district land office at Sacramento, California, where they may be examined by any person desiring to make application hereunder.

2. *Preference rights to honorably discharged veterans of World War II.* Pursuant to the provisions of the act of September 27, 1944, and the act of June 25, 1946 (Public Law 440—79th Congress, 2d Session) and related legislation,<sup>\*</sup> and until 2:00 p. m., December 15, 1946, the lands described above will be open to entry only by persons who have served not less than 90 days in the Army or Navy of the United States in World War II and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve; *Provided, however* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, capital, and physical fitness required of all applicants under this notice. Farm applications received prior to 2:00 p. m., September 15, 1946, will be considered as simultaneously filed. Farm applications received after 2:00 p. m., September 15, 1946, will be filed and considered in the order of their receipt.

3. *Limit of acreage for which entry may be made.* The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the farm unit plats for the respective farm units above listed.

4. *Applicants must be qualified.* No entry shall be accepted or allowed by the Register of the district land office until the applicant therefor has satisfied the Examining Board appointed for the Klamath Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead law) as to industry, experience, character, capital and physical fitness as in the opinion of the Board are necessary to give reason-

able assurance of success by the prospective settler. A digest of the qualifications required by the homestead laws is contained in the attachment to this notice.<sup>3</sup> Complete information may be secured from the District Land Office in Sacramento, California, or from the Bureau of Land Management, Washington, D. C.

**5. Requirements as to industry, experience, character and capital.** The following are established as minimum qualifications. Failure to meet them in all respects will be sufficient cause to reject an application. No credit will be given for qualifications in excess of the minimum required:

(a) Each applicant must submit as part of his farm application three testimonials concerning his character and covering such points as honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct in the past and a sincere desire to lead a bona fide farm life. These may be prepared and signed by an ordained minister, including chaplains in the armed service, any commanding officer under whom the applicant served for six months or more, a teacher or administrative official of any recognized high school or college, present or previous employer, or any comparable, responsible individual or official, not a relative, who is personally acquainted with the applicant. These may be the individuals listed in paragraph 17 of the Farm Application Blank.

(b) The applicant must have had at least two years' full-time farm experience after the age of 15 and within the last seven years of civilian life; or must have lived and worked on a farm for five years continuously after reaching the age of 12 and within the last 10 years of civilian life. Time spent in active military service will not be included in the time used in computing farm experience. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which might help fit the applicant for operation of a farm may be credited as one year of farm experience except that no more than one year of farm experience may be credited from such sources. One year of farm experience must be obtained by actual residence and work on a farm. A farm youth over the age of 15 attending school but actually residing and working on the farm may credit such time as actual farm experience. In support of his claim to meeting this requirement of farm experience, the applicant must supply three written statements signed by the county agent, F. S. A. county supervisor, A. A. A. County Chairman, official of any local farm organization, or comparable individuals, who have personal knowledge of the applicant's farm experience or have verified it to his complete satisfaction, testifying thereto.

(c) The applicant must demonstrate that he possesses a minimum of \$2,000 in unencumbered assets applicable or convertible to the needs of farming in this area. This may be determined by an itemized listing of assets and liabilities.

ties, and must be corroborated by a statement from an official of a bank or some other responsible and reputable private or public credit agency.

(d) The applicant must submit a certificate of medical examination which will contain a statement by an examining physician assuring the applicant's physical ability to operate a farm.

6. *When and how to file an application for a farm unit.* (a) A Farm Application Blank is attached to this notice. Additional blanks may be secured from the Superintendent, Klamath Falls, Oregon; the Regional Director, P. O. Box 2511, Sacramento, California, or the Commissioner, Bureau of Reclamation, Washington 25, D. C. Full answer must be made to each question on the Farm Application Blank. The applicant may state the particular farm unit desired and may also include alternate choices or the choice may be left open to the examining board.

(b) If the applicant claims a preference right on account of military service, he shall attach to his application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date in which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. Providing that they qualify in other respects, women veterans have equal rights and will receive equal consideration in their application for farm units.

(c) An application for a farm unit listed in this notice, together with the proof to be furnished by veterans, must be filed with the Superintendent, Bureau of Reclamation, Klamath Falls, Oregon, in person, if convenient, or by mail, or otherwise, prior to 2:00 p. m., September 15, 1946, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person rather than by mail. All applications received prior to 2:00 p. m., September 15, 1946, will be held and treated as simultaneously filed. Applications received after 2:00 p. m., September 15, 1946, will be considered only as provided in paragraphs 2 and 12 of this public order.

**7. Examining Board.** An Examining Board of five members, including the superintendent of the Klamath Project, who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Klamath Project. Careful investigation shall be made to verify the statements and representations made by the applicants to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification will automatically cause the application to be discarded from consideration.

8. *Selection of qualified applicants.* To determine whether an applicant for a farm unit is eligible under the provisions of subsection "C" of section 4 of the act of December 5, 1924, his application will be reviewed on the basis of whether

<sup>1</sup>Including Soldiers' and Sailors' Civil Relief Act of 1940, as amended (54 Stat. 1178, 1186; 56 Stat. 769, 776; 50 U.S.C. App. 560-572).

<sup>2</sup>Not filed with the Division of the Federal Register.

or not he is qualified as an entryman. Applicants will be judged on the qualifications of character, industry, farming experience and capital and no applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the Examining Board, possess the health and vigor for active farm work.

9. *Showing of applicants and selection thereof.* (a) Where the applicant, in the original application which he files fails to make a prima facie case—that is, where the applicant (1) does not possess good health; or (2) fails to make the necessary showing as to character; or (3) fails to make the necessary showing as to industry; or (4) fails to make the necessary showing as to citizenship; or (5) does not show at least two years' farm experience; or (6) does not show at least \$2,000 in unencumbered assets; or (7) is disqualified because of having already made homestead entry or (8) is the owner of more than 160 acres of land in the United States; or (9) is otherwise disqualified, the application for a farm unit shall be rejected, and the applicant notified thereof by registered mail, with return receipt demanded, and of his right to appeal to the Regional Director of the Bureau of Reclamation within 10 days from receipt of such notification. All appeals allowed under this Public Notice No. 43 must be filed in the office of the Superintendent at Klamath Falls, Oregon, within 10 days from receipt by applicants of rejection notices. The Superintendent will forward such appeals promptly to the Regional Director.

(b) After the expiration of the appeal period fixed by the above-mentioned notices, if any are required, to applicants who failed to make prima facie cases, and in the absence of any pending appeals, the Board shall proceed to select the 86 successful applicants (there being 86 farm units described in paragraph 1 subject to entry). All applicants in the group filing prior to 2:00 p. m., September 15, 1946, and who possess minimum qualifications as outlined in paragraph 5, will be considered equally. From the names of all qualified applicants in the group considered as simultaneously filed, there shall be drawn 172 names (twice the number of homesteads to be awarded). These 172 applicants shall be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be grounds for the Board to disqualify the applicant and to pass on to the next in order until the 86 successful applicants have been determined, plus a sufficient number of alternates to replace those in the first group of 86 who fail to complete their transactions. In the event that there are remaining units to be awarded, consideration will be given to veteran applications, in the order of filing, prior to 2:00 p. m., December 15, 1946, as provided in paragraph 2 above. Remaining units, if any, will be awarded, in the order of filing of applications, as provided in paragraph 12 of this order.

(c) Applicants from among the group of 172 selected in paragraph 9 (b) above who subsequently are disqualified as a result of investigation by the Board shall be sent a notice by registered mail,

with return receipt demanded, unless delivered in person, setting forth the reasons thereof and of the right to appeal to the Regional Director within 10 days from receipt of such notice as provided in paragraph 9 (a) above.

(d) Immediately following the selection of the 86 successful applicants, the Board shall send a notice by registered mail with return receipt demanded, to each of the other qualified applicants, advising him of his standing, as alternate or otherwise, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. In the event that any of the 86 applicants awarded a farm unit fails to fulfill the requirements of paragraph 10 hereof, the Board will select other applicants in the order of their standing on the list of alternates to replace those failing to complete their transactions.

10. *Notification of applicant that he has been selected.* After the expiration of the period or periods fixed by notices to applicants in the contingencies named in paragraph 9 above, or any other that may arise, and upon completion of action which may become necessary because of such notices, the Board shall notify each applicant selected for a farm, by registered mail with return receipt demanded, unless delivered to him in person, that he has been selected for a farm unit. Whenever practicable, and within the time allowance stated on the notice, the Board shall allow the successful applicants to exercise a choice of farms as listed on their application blanks and in the order of their standing in the drawing. However, the Government reserves the right to assign the farms regardless of individual preferences.

After a farm has been selected, the Board shall send the applicant, by registered mail with return receipt demanded, unless delivered to him in person, a water rental application for the farm selected, which must be executed by the applicant and returned to the Superintendent, Bureau of Reclamation, Klamath Falls, Oregon, within 10 days from receipt, together with payment of the minimum water rental charge, as specified in paragraph 15 hereof. The Secretary of the Examining Board will furnish each such applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by sub-section "C" of Section 4 of the Act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by that Board. Such certificate must be attached by the applicant to his homestead application when he files such application at the District Land Office at Sacramento, California. Such homestead application shall be filed within 15 days from the date of the receipt by the applicant of the said certificate. Failure to pay the water rental charge or to make application for homestead entry within the periods specified herein will render the application subject to rejection.

11. *Failure of selected applicant to complete transactions.* If the applicant to whom a farm has been awarded fails

to comply with any of the requirements named above, the Board will select the next listed alternate.

12. *General entry.* After all applications received prior to 2:00 p. m., December 15, 1946, have been considered and awards of farm units made to all qualified applicants, any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under this order by any person having the necessary qualifications. If, on September 15, 1946, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with paragraphs 2 and 9 of this order, the provisions of which shall continue in effect in a similar manner in the future if the number of applications at any time exceeds the number of remaining available farm units.

13. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this order except under the terms and conditions prescribed by this order: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

14. *Construction charges.* Section 15 of the Act of May 25, 1926 (44 Stat. 639) authorizes and directs the Secretary, when announcement is made of the construction charges for this division, to fix and allocate the construction cost per acre in accordance with the findings and recommendations of the Board of Survey and Adjustments as shown on page 26 of House Document No. 201, 69th Congress, 1st Session. As recited on page 26 of said Document No. 201, the Board found that the total gross cost of construction charged to the division, as of June 30, 1925, is \$1,640,949; and that this cost should be allocated on the basis of 37,500 acres and not upon 24,200 as heretofore; and that a deduction of \$234,407 should be made from the cost named. Applying the deduction of \$234,407 would leave a remainder of \$1,406,542 and the Board's report at this point recites:

The net cost would be \$1,406,542, and this amount, divided by 37,500 acres, would give an average construction cost of \$37.50 per acre. This per acre cost of \$37.50 does not include any costs for future construction work which will be necessary to complete this division, and this should be particularly noted.

The estimate of cost to complete the works for 33,000 acres which are considered irrigable, is \$1,678,000 or a per-acre cost of \$50.85. This amount added to the per-acre cost to June 30, 1925, of \$37.50 would make a total per-acre cost of \$88.35. A summary of the construction estimate for work after June 30, 1925, is attached to and made a part of this order. If the actual cost of future work is less than the estimate of \$1,678,000 named above, the construction charge will be proportionately reduced, but the expenditure of \$1,678,000 will not be exceeded without the water users agreeing to repay all sums in excess of this amount. In arriving at the per-acre rate of \$88.35, and as shown above, the write-off of \$234,407 authorized in sec-



tion 15 of the act of May 25, 1926, has been deducted from the total cost, but before this write-off may be actually accomplished, the Secretary of the Interior must require, as set forth in section 45 of the said act of May 25, 1926, a contract with a water users' association or irrigation district whereby such association or irrigation district shall be required to pay the entire charges against all productive lands within the division without regard to default in the payment of charges against any individual tract of land; also as provided in section 45 of the act named, there must be executed a contract of the character described, before the 40-year repayment plan as authorized in this section may be made effective. Since the Tule Lake Division, with the exception of a few tracts, embraces only public land it would not be possible to make such a contract until the lands are opened and entered. Under the circumstances, the division will be operated on a water-rental basis until its agricultural development has advanced sufficiently to permit of a district organization, at which time a so-called joint liability contract will be required and the construction charge will be announced at \$88.35 per acre payable over a 40-year period. Should the entrymen or water users fail, or refuse, to proceed in the manner required under the act of May 25, 1926, it will become necessary to issue public notice under the Extension Act of August 14, 1914 (38 Stat. 686), without regard to the write-off and under a 20-year repayment plan. This would result in a per-acre charge of \$49.70 instead of \$37.50 for the cost to June 30, 1925, which added to the per-acre cost to complete of \$50.85, would fix the construction charge at \$100.55 per acre payable in 20 years.

15. *Water-rental charges.* The minimum water-rental charge for the irrigation season of 1947 shall be two dollars and eighty cents (\$2.80) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will entitle the entryman to 2½ acre-feet of water per irrigable acre. Additional water will be furnished during the said irrigation season up to a limit of 3½ acre-feet per irrigable acre at the rate of fifty cents (50¢) per acre-foot, and all further quantities at seventy-five (75¢) per acre-foot, payable on December 1, 1947. Payment of the minimum charge of two dollars and eighty cents (\$2.80) per acre for the irrigation season of 1947 shall be made at the time of filing of water-rental applications: *Provided*, That when water-rental application is filed after June 15, 1947, payment shall be of a minimum charge of two dollars and eighty cents (\$2.80) per acre, which payment shall apply as a credit on the minimum charge for the following irrigation season. If payment for water used in addition to the allowance under the minimum charge is not made on or before December 1 as herein provided, there shall be added to the amount unpaid a penalty of one-half of 1 per centum thereof, and there shall be added a like penalty of one-half of 1 per centum on the first day of each month thereafter so long as such default shall continue. No water will be delivered to the entryman in subsequent years until

such charge shall have been paid in full. Future charges will be announced by future order or public notice.

16. *Place and manner of payment of water charge.* All water charges must be paid at the office of the Bureau of Reclamation at Klamath Falls, Oregon, by cash or bank draft, cashier's check, certified check, or postal or express money order, payable to Treasurer of the United States.

17. *Water-right application under public notice.* Within three months after date of public notice announcing the construction charges for the land described in this order, each entryman, if required to do so by the Secretary of the Interior, shall make a formal water-right application covering his farm unit. Upon failure to do so, the Secretary may, at his option, cancel the entry in question, with all rights acquired thereunder.

18. *All land to be included in irrigation district.* Each water-rental application for land covered by this order shall be made on Form 7-239 and the following clause shall be inserted at the bottom of said form:

I agree to the inclusion of my land in an irrigation district and I agree also to participate in the organization of an irrigation district at the earliest practicable date.

19. *Reservation of rights of way for county highways.* Rights of way are reserved for county highways across the farm units shown on the farm unit plats along all red lines shown on said plats, said rights of way being 30 feet in width on each side of said lines in all cases where lines are drawn in red solid lines and 60 feet in width out of the farm units crossed by lines drawn in red broken lines. Rights of way are reserved for highways across the farm units abutting the northeasterly side of the Central Pacific Railroad Company's right of way, the said highway right of way being a strip of 100 feet in width, parallel to and touching the said railroad right of way.

20. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., December 15, the lands so relinquished shall be subject to entry in accordance with paragraphs 2 and 9 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., December 15, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 9 of this notice.

21. *Waiver of mineral rights.* All homestead entries for any of the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the

right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead application will be rejected or the homestead entry cancelled.

WARNER W. GARDNER,  
Assistant Secretary.

[F. R. Doc. 46-13363; Filed, Aug. 9, 1946:  
4:18 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### Subchapter A—General Rules and Regulations

#### PART 95—CAR SERVICE

[S. O. 575]

#### PRE-ICING POTATOES PROHIBITED IN CERTAIN WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of August A. D. 1946.

It appearing, that refrigerator cars, to be loaded with shipments of potatoes originating in the States of Idaho, Oregon and Washington, are being pre-iced thus causing additional switching and diminishing the supply and control of refrigerator cars; in the opinion of the Commission an emergency requiring immediate action exists in Idaho, Oregon and Washington, it is ordered, that:

(a) *Pre-icing potatoes in certain western states prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall ice a refrigerator car, intended to be loaded with potatoes in Idaho, Oregon or Washington, prior to the actual complete loading of the refrigerator car with such potatoes. In the event such cars are pre-iced and loaded, in violation of this provision, those cars shall not be transported.

(b) *Application.* The provisions of this order shall apply to intrastate traffic as well as interstate traffic.

(c) *Tariff provisions suspended; announcement required.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended, and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(e) *Effective date.* This order shall become effective at 12:01 a. m., August 12, 1946.

(f) *Expiration date.* This order shall expire at 11:59 p. m., September 12, 1946, unless otherwise modified, changed, suspended, or annulled by order of the Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))



It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Idaho, Oregon and Washington; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 46-14013; Filed, Aug. 12, 1946;  
11:33 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

[General Order ODT 1, Rev., Amdt. 1]

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### MERCHANDISING TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Order ODT 1, Revised (11 F.R. 8228) is hereby amended so that the opening clause of § 500.4 will read as follows:

§ 500.4 *Exceptions.* The provisions of §§ 500.3, 500.5, 500.6, and 500.7 shall not apply to:

This Amendment 1 to General Order ODT 1, Revised, shall become effective on August 10, 1946.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Cong., E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9729, 11 F.R. 5641)

Issued at Washington, D. C., this 9th day of August, 1946.

HOMER C. KING,  
Deputy Director

Office of Defense Transportation.

[F. R. Doc. 46-13965; Filed, Aug. 12, 1946;  
8:53 a. m.]

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520, *infra*.

[General Permit ODT 18A, Rev., 12]

#### PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

##### SHIPMENTS OF ONION SETS

In accordance with the provisions of § 500.73 of General Order ODT 18A, Re-

vised (11 F.R. 8229), it is hereby authorized that:

§ 520.507 *Shipments of onion sets.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised (11 F.R. 8229) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of onion sets:

(a) When the origin point of such freight is in the States of Illinois, Indiana, Michigan, Minnesota, or Wisconsin, and the quantity loaded in each car is not less than 24,000 pounds.

This General Permit ODT 18A, Revised, 12 shall become effective August 10, 1946, and shall expire September 15, 1946.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; General Order ODT 18A, Revised, 11 F.R. 8229)

Issued at Washington, D. C., this 9th day of August 1946.

HOMER C. KING,  
Deputy Director

Office of Defense Transportation.

[F. R. Doc. 46-13966; Filed, Aug. 12, 1946;  
8:53 a. m.]

[General Permit ODT 18 A, Rev., 13]

#### PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

##### SHIPMENTS OF SWEET POTATOES

In accordance with the provisions of § 500.73 of General Order ODT 18A, Revised (11 F.R. 8229) it is hereby authorized, That:

§ 520.503 *Shipments of sweet potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised (11 F.R. 8229) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of sweet potatoes:

(a) When the origin point of such freight is in the States of Maryland or Virginia and the destination point is any place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and the quantity loaded in each car is not less than 20,000 pounds.

This General Permit ODT 18A, Revised, 13 shall become effective August 10, 1946, and shall expire November 30, 1946.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; General Order ODT 18A, Revised, 11 F.R. 8229)

Issued at Washington, D. C., this 9th day of August 1946.

HOMER C. KING,  
Deputy Director

Office of Defense Transportation.

[F. R. Doc. 46-13967; Filed, Aug. 12, 1946;  
8:53 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

##### OPEN SEASON, DAILY BAG AND POSSESSION LIMITS

CROSS REFERENCE: For amendments to §§ 1.4 and 1.5 see amendments to Regulations 4 and 5 appearing in Proclamation 2699, *supra*.

#### PART 2—IMPORTATION AND SHIPMENT OF MIGRATORY AND OTHER SPECIES OF WILDLIFE

##### SHIPMENT, TRANSPORTATION AND POSSESSION

CROSS REFERENCE: For an amendment to § 2.1 see amendment to Regulation 6 appearing in Proclamation 2699, *supra*.

## Notices

### DEPARTMENT OF AGRICULTURE.

#### Farm Security Administration.

##### WASHINGTON

##### FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946) no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U.S.C. 1000-1006) excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Washington named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

##### WASHINGTON

County	Limitation	County	Limitation
Adams	\$12,000	Lewis	\$12,000
Asotin	12,000	Lincoln	12,000
Benton	12,000	Mason	12,000
Chelan	12,000	Okanogan	12,000
Challam	12,000	Pacific	12,000
Clark	12,000	Pond Oreille	12,000
Columbia	12,000	Pierce	12,000
Cowlitz	12,000	San Juan	10,000
Douglas	12,000	Skagit	12,000
Ferry	12,000	Skamania	12,000
Franklin	12,000	Snohomish	12,000
Garfield	12,000	Spokane	12,000
Grant	12,000	Stevens	12,000
Grays Harbor	12,000	Thurston	10,000
Island	10,000	Wahkiakum	12,000
Jefferson	12,000	Walla Walla	12,000
King	12,000	Whatcom	12,000
Kitsap	11,000	Whitman	12,000
Kittitas	12,000	Yakima	12,000
Klickitat	12,000		

Issued this 9th day of August 1946.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 46-14005; Filed, Aug. 12, 1946;  
11:11 a. m.]

# ILLINOIS AND OHIO

## FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946) no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U.S.C. 1000-1006) excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Illinois and Ohio named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

### ILLINOIS

County	Limitation	County	Limitation
Adams	\$12,000	Lee	\$12,000
Alexander	7,000	Livingston	12,000
Bond	8,000	Logan	12,000
Boone	12,000	McDonough	12,000
Brown	12,000	McHenry	12,000
Bureau	12,000	McLean	12,000
Calhoun	8,500	Macon	12,000
Carroll	12,000	Macoupin	12,000
Cass	12,000	Madison	12,000
Champaign	12,000	Marion	8,000
Christian	12,000	Marshall	12,000
Clark	9,000	Mason	12,000
Clay	8,000	Massac	7,000
Clinton	9,000	Menard	12,000
Coles	12,000	Mercer	12,000
Cook	12,000	Monroe	11,200
Crawford	12,000	Montgomery	12,000
Cumberland	9,000	Morgan	12,000
De Kalb	12,000	Moultrie	12,000
De Witt	12,000	Ogle	12,000
Douglas	12,000	Peoria	12,000
Du Page	12,000	Perry	8,000
Edgar	12,000	Platt	12,000
Edwards	10,000	Pike	12,000
Effingham	9,000	Pope	7,000
Fayette	8,000	Pulaski	7,000
Ford	12,000	Putnam	12,000
Franklin	8,000	Randolph	11,500
Fulton	12,000	Richland	8,000
Gallatin	10,000	Rock Island	12,000
Greene	12,000	Saint Clair	12,000
Grundy	12,000	Saline	9,000
Hamilton	8,000	Sangamon	12,000
Hancock	12,000	Schuyler	12,000
Hardin	7,000	Scott	12,000
Henderson	12,000	Shelby	12,000
Henry	12,000	Stark	12,000
Iroquois	12,000	Stephenson	12,000
Jackson	9,000	Tazewell	12,000
Jasper	8,500	Union	7,200
Jefferson	8,000	Vermilion	12,000
Jersey	10,500	Wabash	12,000
Jo Daviess	12,000	Warren	12,000
Johnson	7,000	Washington	10,000
Kane	12,000	Wayne	8,000
Kankakee	12,000	White	9,000
Kendall	12,000	Whiteside	12,000
Knox	12,000	Will	12,000
Lake	12,000	Williamson	8,000
La Salle	12,000	Winnebago	12,000
Lawrence	12,000	Woodford	12,000

### OHIO

County	Limitation	County	Limitation
Adams	88,000	Licking	\$12,000
Allen	12,000	Logan	12,000
Ashland	12,000	Lorain	12,000
Ashtabula	9,000	Lucas	12,000
Athens	9,000	Madison	12,000
Auglaize	12,000	Mahoning	12,000
Belmont	10,000	Marion	12,000
Brown	9,000	Medina	12,000
Butler	12,000	Meigs	9,000
Carroll	7,000	Mercer	12,000
Champaign	12,000	Miami	12,000
Clark	12,000	Monroe	7,000
Clermont	10,000	Montgomery	12,000
Clinton	12,000	Morgan	8,000
Columbiana	10,000	Morrow	11,000
Coshocton	9,000	Muchingum	9,000
Crawford	12,000	Noble	8,000
Cuyahoga	12,000	Ottawa	12,000
Darke	12,000	Paulding	12,000
Defiance	12,000	Perry	9,000
Delaware	12,000	Pickaway	12,000
Erie	12,000	Pike	11,000
Fairfield	12,000	Portage	10,000
Fayette	12,000	Preble	12,000
Franklin	12,000	Putnam	12,000
Fulton	12,000	Richland	12,000
Galla	9,000	Rees	12,000
Geauga	12,000	Sandusky	12,000
Greene	13,000	Saloto	11,000
Guernsey	8,000	Seneca	12,000
Hamilton	12,000	Shelby	12,000
Hancock	12,000	Stark	11,000
Hardin	12,000	Summit	12,000
Harrison	7,000	Trumbull	10,000
Henry	12,000	Tuscarawas	10,000
Highland	12,000	Union	12,000
Hocking	8,000	Van Wert	12,000
Holmes	12,000	Vinton	7,000
Huron	12,000	Warren	12,000
Jackson	8,000	Washington	11,000
Jefferson	8,000	Wayne	12,000
Knox	11,000	Williams	12,000
Lake	12,000	Wood	12,000
Lawrence	10,000	Wyandot	12,000

Issued this 9th day of August 1946.

CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 46-14006; Filed, Aug. 12, 1946;  
11:11 a. m.]

## CIVIL AERONAUTICS BOARD.

[Docket Nos. 2314, 2393]

ORLANDO AIRLINES AND THOMAS E. GORDON

### NOTICE OF HEARING

In the matter of the application of Thomas E. Gordon, d. b. a. Orlando Airlines, for transfer of certificate; and application of Thomas E. Gordon for approval of certain relationships.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 408 of said act, that hearing in the above-entitled proceeding is assigned to be held on August 21, 1946, at 10 a. m. (eastern standard time) in Room 5132 of the Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., August 9, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 46-14009; Filed, Aug. 12, 1946;  
11:27 a. m.]

## CIVILIAN PRODUCTION ADMINISTRATION.

### PIG IRON

#### REDUCTION OF AUTHORIZATIONS

The Civilian Production Administration has reviewed the final authorizations of merchant pig iron issued under Direction 13 to Order M-21 for August, and has determined that these authorizations will cause an unfair dislocation of the supply of pig iron in certain areas.

Accordingly, the Civilian Production Administration has reduced authorizations to purchase merchant pig iron during August in the southern area for the production of cast iron pressure pipe by 25%, and for the production of all other products except cast iron soil pipe by 10%.

In addition, the Civilian Production Administration has directed certain furnaces located in the Pittsburgh and Buffalo areas and Eastern Pennsylvania who have received a disproportionate share of certified orders to reduce each such order for August delivery by 10%.

Issued this 9th day of August 1946.

### CIVILIAN PRODUCTION

#### ADMINISTRATION,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-13911; Filed, Aug. 9, 1946;  
11:34 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

ATLANTIC BROADCASTING Co., Inc.  
(WHOM)<sup>1</sup>

### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on July 30, 1946 there was filed with it an application (B1-TC-504) for its consent under section 310 (b) of the Communications Act (47 U.S.C. 310) to the proposed transfer of control of Atlantic Broadcasting Company, Inc. (licensee of Standard Broadcast Station WHOM, New York, N. Y.) from Cowles Broadcasting Company to Il Progresso Italo-Americano Publishing Co., Inc., 42 Elk St., New York 4, N. Y. The proposed transfer of control of the above licensee is based upon a contract entered into on June 28, 1946 between Cowles Broadcasting Company, as seller, and Il Progresso Italo-Americano Publishing Co., Inc., as purchaser: *Providing*, That the purchaser will pay the sum of \$450,000 for the stock. \$50,000 was paid at the time of the signing of the agreement and \$175,000, plus the amount by which current assets exceed current liabilities, is to be paid five days after the Commission gives its consent to the proposed transfer of control. The remaining \$225,000 will be paid in 50 equal monthly instalments at the interest rate of 4% on the unpaid balance, payable semi-annually. *It is further provided*, That the contract will terminate on June 28, 1947 if the Commission fails to approve the sale by that time, in which events the down-payment will be returned.

<sup>1</sup> § 1.364, Part I, Rules of practice and procedure.

Further details as to the arrangements between the parties may be determined from an examination of the application and associated papers on file at the office of the Commission.

On July 25, 1946, the Commission adopted Rule 1.388 relating to the handling of assignment and transfer applications, including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Pursuant thereto the Commission was advised on July 30, 1946, that beginning on July 29, 1946, notice concerning the proposed transfer of the controlling interest in the licensee was inserted in a newspaper of general circulation published in New York City.

In accordance with the procedure outlined in Rule 1.388 no action will be had on the application for a period of 60 days from July 29, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-14011; Filed, Aug. 12, 1946;  
11:31 a. m.]

#### RADIO STATION WJBC<sup>1</sup>

#### PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on July 31, 1946 there was filed with it an application (B4-AL-552) for its consent under section 310 (b) of the Communications Act (47 U.S.C.A. 310) to the proposed assignment of the license for Radio Station WJBC, Bloomington, Illinois, from Arthur Malcolm McGregor and Hugh L. Gately, d/b as Radio Station WJBC to the Bloomington Broadcasting Corporation, 301 W Washington St., Bloomington, Illinois. The proposed assignment is based upon a contract dated June 18, 1946 entered into between Arthur Malcolm McGregor and Hugh L. Gately, vendors, and Bloomington Broadcasting Corporation, -vendee, wherein it was agreed that for a consideration of \$120,000 vendors would sell, convey, transfer and deliver to vendee the going business conducted as Radio Station WJBC, together with the goodwill and all property now used by the vendors in the operation thereof in substantially its present condition and to assign the license and conditional permit described in the contract. *It is further provided*, That in the event the Commission shall fail to act on the assignment within one year of the date of the application therefor either party may withdraw from and terminate this contract. If the contract is terminated by the withdrawal of the vendors the \$1000 down-payment shall be returned to the vendee.

<sup>1</sup> § 1.384, Part I, Rules of practice and procedure.

If the contract is terminated by the withdrawal of the vendee the vendors shall retain the down-payment. Further details in this connection and as to other arrangements between the parties may be determined from an examination of the application and associated papers on file at the office of the Commission.

On July 25, 1946, the Commission adopted Rule 1.388 relating to the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Pursuant thereto the Commission was advised on August 2, 1946, that beginning on August 1, 1946, notice concerning the proposed assignment was inserted in a newspaper of general circulation published in that area.

In accordance with the procedure outlined in Rule 1.388 no action will be had on the application for a period of 60 days from August 1, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-14012; Filed, Aug. 12, 1946;  
11:31 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-739]

#### NORTH CENTRAL GAS CO.

#### ORDER FIXING DATE OF HEARING

AUGUST 9, 1946.

Upon consideration of the application filed on July 2, 1946, by North Central Gas Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

Approximately 5 miles of 3-inch I. D. transmission loop pipe line commencing at the lateral take-off gate of the Applicant's Oshkosh, Nebraska, distribution system and running thence northwest from said point parallel to Applicant's main transmission pipe line system, to be operated in connection with Applicant's main transmission pipe line system.

The Commission orders that:

(A) A public hearing be held commencing on August 19, 1946, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: *Provided, however* That if no protest or petition to intervene has been filed or allowed prior to the date herein fixed for

hearing, or if a protest or a petition to intervene, in the judgment of the Commission raises no issue of substance, the Commission may dispose of the application without contested hearing, by order upon the application and evidence filed or available to the Commission and such additional evidence as the Commission may require to be filed for its consideration.

(B) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 46-14010; Filed, Aug. 12, 1946;  
11:28 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 5444]

#### EXPORT FINDERS BUREAU

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August A. D. 1946.

In the matter of Carlisle Rowntree, an individual trading as Export Finders Bureau.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Frank Hler, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered*, That the taking of testimony and the receipt of evidence in this proceeding begin on Monday, August 19, 1946, at one o'clock in the afternoon of that day (Eastern Standard Time) in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence on behalf of the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 46-14001; Filed, Aug. 12, 1946;  
11:04 a. m.]

[Docket No. 5456]

#### FRENCH SARDINE CO. OF CALIFORNIA NOTICE OF HEARING

*Complaint.* The Federal Trade Commission, having reason to believe the

party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent French Sardine Company of California is a corporation, organized and existing under the laws of the State of California, with its principal office and place of business located at 171-181 Fish Harbor Wharf, Terminal Island, California.

PAR. 2. The respondent, since June 19, 1936, has been, and is now, engaged in the business of packing, selling and distributing canned seafood products, principally canned sardines, canned tuna, and canned mackerel and other seafood products (all of which are hereinafter designated as seafood products) for its own account for resale.

PAR. 3. The respondent sells and distributes its sea food products by two separate and distinct methods. The first and principal method is by utilizing intermediaries or brokers who act as respondent's agents in negotiating the sale of its seafood products at respondent's prices and on respondent's terms and for which services to respondent such intermediaries or brokers are paid commissions or brokerage fees. The method of distributing respondent's commodities is not challenged by this complaint.

The second method, which is challenged by this complaint, is by the sale by respondent of its seafood products direct to buyers who are paid by respondent, directly or indirectly, commissions or brokerage fees on such purchases. All such buyers referred to herein are "direct buyers." In transactions between respondent and such buyers the respondent does not use intermediaries or brokers.

Such direct buyers transmit their own purchase orders for such seafood products directly to the respondent. The respondent thereafter invoices and ships such commodities to such buyers from whom respondent collects the purchase price of the merchandise.

Some such buyers, upon receipt of such seafood products from respondent, warehouse such commodities in their own warehouses or in public warehouses, and insure the commodities at their own expense and in their own names and for their own account against contingent loss or damage. Some such direct buyers designate themselves as brokers but are not brokers in fact. Contrary to the manner in which a broker operates such buyers purchase and resell for their own account taking title to and assuming all risk incident to ownership.

PAR. 4. The respondent, since June 19, 1936, in the course and conduct of its said business, has sold and distributed a substantial portion of its seafood products through intermediaries or brokers to buyers, and also directly to buyers located in states other than the state in which respondent is located, and as a result of said sales and the respondent's

instructions such commodities have been shipped and are now shipped and transported across state lines to such buyers so located.

PAR. 5. The respondent, since June 19, 1936, in connection with the interstate sale of its seafood products has been, and is now, paying or granting, or has paid or granted, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof to buyers on their own purchases of respondent's seafood products. Such buyers have purchased respondent's seafood products in their own name and for their own respective accounts for resale.

PAR. 6. The acts and practices of the respondent, French Sardine Company of California, a corporation, in promoting the sale of its seafood products by paying to buyers, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof, as set forth above are in violation of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 5th day of August A. D. 1946, issues its complaint against said respondent.

Notice. Notice is hereby given you, French Sardine Company of California, a corporation, respondent herein, that the 13th day of September A. D. 1946, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VIII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations

of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIV.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 5th day of August A. D. 1946.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 46-14030; Filed, Aug. 12, 1946; 11:04 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 336, Special Permit 49]

### RECONSIGNMENT OF POTATOES AT COLUMBUS, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (11 F.R. 2193) permission is granted to any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Columbus, Ohio, August 7, 1946, by Ritter & Co. of car FGEX 13597, potatoes, now on the C&O Ry. to Toledo, Ohio (C&O)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of August 1946.

V. C. CLINGER,  
Director  
Bureau of Service

F. R. Doc. 46-14014; Filed, Aug. 12, 1946; 11:33 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 767, Under 3 (b)]

W. R. PARKINS

### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and pursuant to § 1499.3 (b) (2) of the General Maximum Price Regulation, and section 6.4 of Second Revised Supplementary Regulation 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of the Unique brand nozzle attachment for vacuum cleaners manufactured by W. R. Parkins, 842 Greendale Drive, Charleston, West Virginia.

(1) For all sales and deliveries to the following classes of purchasers by all sellers, the maximum prices are those set forth below:

Article	Ceiling prices for sales to—		
	Distributors	Dealers	Ultimate consumers
Unique brand nozzle attachment for vacuum cleaners—	Each \$4.25	Each \$5.00	Each \$7.75

These maximum prices are for the articles described in the manufacturer's application dated May 30, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since the General Maximum Price Regulation became applicable to those sales and deliveries, and are f. o. b. factory.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the § 1499.3 (b) (2) of the General Maximum Price Regulation, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$7.75  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 10th day of August 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13940; Filed, Aug. 9, 1946; 11:49 a. m.]

[MPR 188, Order 5134]

BARRON LAMP CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188 *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Barron Lamp Company, 278 Mulberry Street, New York 12, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
26" hand cut glass table lamp with ruby glass tube or fount and 15" braided trimmed rayon silk shade—	810	Each \$10.09	Each \$11.87	Each \$21.35
36" hand cut glass table lamp with fount, bobèche, prisms and 16" ruching trimmed rayon shade—	2098	16.55	19.47	35.05

These maximum prices are for the articles described in the manufacturer's application dated June 27, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York, New York, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----  
OPA Retail Ceiling Price—\$-----  
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the

manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 10th day of August 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13941; Filed, Aug. 9, 1946; 12:00 m.]

[MPR 591, Order 775]

MOUNT PLEASANT HEATER CORP.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of manufacture, for sales by any person to consumers of the following galvanized hotwater boilers manufactured by Mount Pleasant Heater Corporation, Mount Pleasant, Michigan and as described in its application dated July 29, 1946 shall be:

Galvanized hotwater boiler:	
Model 90B with burner—	\$280.00
Model 90B less burner—	145.00
Model 200B with burner—	325.00
Model 200B less burner—	185.00

(b) The above prices are subject to the following discounts on sales to:

- (1) Installers, commercial and industrial users—25%  
(2) Distributor or jobber—25 and 20%  
(3) Manufacturer—25, 20 and 20%

(c) The maximum net prices established by this order shall be subject to cash discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(d) The maximum price on an installed basis of the commodities covered in this order shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251 as amended.

(e) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except installers resale.



(f) The Mount Pleasant Heater Company, Mount Pleasant, Michigan shall submit to this Office 100 days after the effective date of this order the following information:

(1) Profit and loss statement for the 90 day period immediately following the effective date of this order.

(2) A complete breakdown of actual current cost to make and sell the Model 90 B and Model 200 B hot water boilers.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13942; Filed, Aug. 9, 1946;  
12:04 p. m.]

[MPR 591, Order 776]

ZEPHYR BURNER CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, for sales by any person of the following gas conversion burner manufactured by the Zephyr Burner Company, Detroit, Michigan, and as described in its application dated April 11, 1946, shall be:

	F. o. b. point of shipment on sales to—		In-stalled on sales to consumers
	Distributors	Dealers	
Gas conversion burner, model 2 "R", size 36" x 14" x 10"	\$72.50	\$85.00	\$165.00

(b) The maximum net prices established by this order shall be subject to cash discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(c) Each seller covered by this order, except on sales to consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(d) The Zephyr Burner Company shall stencil or tag in a conspicuous place on the item covered by this order, substantially the following:

OPA Maximum Retail Price Installed—\$225.00

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13943; Filed, Aug. 9, 1946;  
12:04 p. m.]

[MPR 592, Order 101]

AMERICAN ROLLING MILL CO.

#### ADJUSTMENT OF MAXIMUM PRICES

Order No. 101 under section 16 of Maximum Price Regulation 592. Specified construction materials and refractories. American Rolling Mill Company. Docket No. 6122-592.16-174.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592, *It is ordered:*

(a) The maximum net price for sales by the American Rolling Mill Company, Middletown, Ohio, of Armco Asbestos Bonded Galvanized Culvert Sheets to its various classes of purchasers may be increased by an amount not in excess of \$4.38 per ton.

(b) Any person purchasing Armco Asbestos Bonded Galvanized Culvert Sheets from the American Rolling Mill Company for the purpose of resale in the same form may increase his presently established maximum prices under the General Maximum Price Regulation by an amount not exceeding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above.

(c) The American Rolling Mill Company shall furnish to each buyer purchasing Armco Asbestos Bonded Galvanized Culvert Sheets for resale on or before the date it makes the first delivery at the adjusted price, a written statement as follows:

Effective August 10, 1946, the OPA has granted the American Rolling Mill Company an adjustment of \$4.38 per ton in the maximum selling prices of Armco Asbestos Bonded Galvanized Culvert Sheets. You are permitted to increase your existing maximum prices for this commodity by the percentage increase in cost resulting from the increase permitted the American Rolling Mill Company.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13944; Filed, Aug. 9, 1946;  
12:04 p. m.]

[MPR 592, Order 102]

UNITED STATES GYPSUM CO.

#### ADJUSTMENT IN MAXIMUM PRICES

Order No. 102 under section 16 of Maximum Price Regulation No. 592 specified construction materials and refractories.

United States Gypsum Company. Docket No. 6122-592.16-192.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum f. o. b. plant or delivered prices for the sales of the following building and industrial lime products (except agricultural lime and bulk lump quicklime sold to Electrometallurgical Corporation, Seattle, Washington) by the United States Gypsum Company, Chicago, Illinois, manufactured at its Evans, Washington plant, may be increased by amounts not in excess of the following:

	Per ton
Hydrated lime	\$1.55
Quicklime	1.55
All other lime	1.55

(b) Any person purchasing any of the products described in paragraph (a) above, from the United States Gypsum Company for the purpose of resale in the same form may increase his present maximum prices established under the General Maximum Price Regulation by the percentage increase in cost to him resulting from the increase permitted the manufacturer in paragraph (a) above. However, notwithstanding the provisions of this paragraph (b) in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(c) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services and other terms and conditions of sale at least as favorable as those the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) The United States Gypsum Company shall furnish to each buyer purchasing any of the products described in (a), above, and purchased at its Evans, Washington plant, for resale in the same form on or before the date it makes delivery at the adjusted price a written statement as follows:

OPA has granted an adjustment of \$\_\_\_\_\_ per \_\_\_\_\_ in the maximum prices for \_\_\_\_\_. You are permitted to add the percentage amount of your increased cost resulting from the increase permitted the United States Gypsum Company to your existing maximum prices for this product purchased from them, except that in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(e) All provisions of Maximum Price Regulation No. 592 not inconsistent with this order shall apply to sales covered by this order.

(f) All requests of the applicant not granted herein are denied.

(g) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13945; Filed, Aug. 9, 1946;  
12:01 p. m.]

[MPR 592, Order 103]

UNITED CLAY PRODUCTS Co.

## ADJUSTMENT OF MAXIMUM PRICES

Order No. 103 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. The United Clay Products Company, Docket No. 6122-592.16-286.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:*

(a) The maximum net prices for sales by the United Clay Products Company, Washington, D. C. of clay building brick produced by the United Brick Corporation, Washington, to its various classes of purchasers may be increased by an amount not in excess of \$2.75 per M for standard size brick equivalent.

(b) If the United Clay Products Company, Washington, D. C., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order sold by the United Clay Products Company, Washington, D. C., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost resulting from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order No. 103 shall become effective August 10, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13946; Filed, Aug. 9, 1946;  
12:01 p. m.]

[Rev. SO 119, Order 317]

EVEREDY Co.

## ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Everedy Company, Frederick, Maryland, may compute its adjusted ceiling prices for chromium plated cooking utensils of its manufacture by increasing by 3 percent the ceiling prices to each class of

purchaser as established by Maximum Price Regulation No. 188.

As used in this paragraph "ceiling prices as established under Maximum Price Regulation No. 188" shall mean the ceiling prices established under that regulation without the inclusion in those ceiling prices either directly or indirectly of any adjustment, either individual or industry-wide.

(b) *Ceiling prices of purchasers for resale.* (1) A purchaser for resale, who had an established ceiling price prior to the effective date of this order for any article, whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order, may increase that established ceiling price by 3 percent.

(2) A purchaser for resale who had no established ceiling price prior to the effective date of this order for any article whose ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remain in effect.

If the resale ceiling price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted ceiling prices for resales of the articles. This notice may be given in any convenient form.

(e) All requests contained in the application for price adjustment filed by Everedy Company, assigned OPA Docket No. 6069-CO 119-27c, not specifically granted by this order are hereby denied.

(f) The provisions of Supplementary Order No. 153, shall have no application to any sale or delivery of any article subject to this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 10th day of August 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13947; Filed, Aug. 9, 1946;  
11:59 a. m.]

[MPR 61, Rev. Order 13]

## LEATHER PRODUCED FROM IMPORTED RAW GOAT OR KIDSKINS

## ADJUSTMENT OF MAXIMUM PRICES

Order No. 13 under Maximum Price Regulation 61 is revised and amended to read as follows:

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 19 of Maximum Price Regulation 61, it is ordered:

(a) *Applicability.* This order applies to all leather produced from imported raw goat or raw kid skins.

(b) *Adjustment of maximum prices.* On and after August 9, 1946, the maximum prices of all leather specified in paragraph (a) above, may be adjusted as follows:

(i) The seller, except one whose maximum prices are determined pursuant to sections 6 (d) or 7 (a) of Maximum Price Regulation 61, shall determine his total invoice price (which shall not exceed the sum of his maximum prices determined or established for such items of leather under the applicable sections of the regulation) and add to the total invoice price thus ascertained, an amount not to exceed 40% thereof to obtain his adjusted invoice price.

(ii) A seller whose maximum prices are determined pursuant to section 6 (d) of Maximum Price Regulation 61 may add the 7½ percent markup specified in that section of the regulation to the producer's maximum price as adjusted pursuant to paragraph (b) (i) above.

(c) *Invoice requirements.* No seller may sell or deliver leather covered by this order at a maximum price adjusted under paragraph (b) (1), above, unless, in connection with each sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all the information required by section 12, of Maximum Price Regulation 61, the following:

(i) The total invoice price exclusive of the surcharge authorized by this order.

(ii) The percentage by which he has increased the total invoice price in accordance with the terms of paragraph (b) (i) of this order. This percentage must be designated on the invoice as:

"OPA surcharge of —% for raw goat and raw kid skin cost increase." Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be clearly indicated.

(iii) The dollar-and-cents amount of the surcharge added and stated as a separate item.

(d) *Discounts.* Term discounts shall be deducted from the total amount of the adjusted invoice price.

(e) *Amendments.* This order may be amended or revoked at any time by the Office of Price Administration.

(f) *Effective date.* This order shall become effective August 9, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-13957; Filed, Aug. 9, 1946;  
4:08 p. m.]

[MPR 116, Amdt. 2 to Order 14]

#### CHINA AND POTTERY

#### GENERAL ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, It is ordered, That order No. 14 under Maximum Price Regulation No. 116, be amended in the following respect:

1. Section 3 is amended to read as follows:

SEC. 3. *Manufacturers' maximum prices*—(a) *Determination of maximum prices.* The maximum price for sales of any of the articles of semi-vitreous china or pottery covered by this order by a manufacturer to a purchaser for resale shall be the higher of the applicable of the following:

(1) His maximum price properly established under Maximum Price Regulation No. 116 (exclusive of any permitted increase or adjustment) for sales to each class of purchaser for resale increased by no more than 13 percent in the case of a manufacturer located in the State of California; and by no more than 7 percent in the case of any other manufacturer.

(2) His maximum price as adjusted or established by an order under Supplementary Order No. 133; Supplementary Order No. 148; or any other order.

In the case of articles customarily sold on a pound sterling basis, the price may be increased to the price on the pound sterling price scale, which price scale, to the nearest quarter of a dollar pound sterling, equals 113 percent in the case of a manufacturer located in the State of California, and 107 percent in the case of any other manufacturer, of the pound sterling price scale established under Maximum Price Regulation No. 116.

(b) *Determination of packing charges.* The maximum charge for packing for sales of any of the articles of semi-vitreous china or pottery covered by this order by a manufacturer to a purchaser for resale shall be the higher of the applicable of the following:

(1) His charge for packing for sales permitted under Maximum Price Regulation No. 116 (exclusive of any permitted increase or adjustment) increased by no more than 13 percent in the case of a manufacturer located in the State of California; and by no more than 7 percent in the case of any other manufacturer.

(2) His charge for packing for sales as adjusted by any order issued by the Office of Price Administration.

(c) For the purposes of this section, a manufacturer shall be deemed to be located in the State of California only as to those articles of semi-vitreous china or pottery covered by this order which he manufactures, processes and finishes within the territorial limits of the State of California, in the form in which such articles are sold to the ultimate consumer.

This amendment shall become effective on the 17th day of August 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14020; Filed, Aug. 12, 1946;  
11:55 a. m.]

[RMPR 136, Order 663]

#### BOXES AND COVERS FOR OUTLETS AND SWITCHES

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of section 31 of Revised Maximum Price Regulation No. 136, It is ordered:

(a) For the purposes of this order the term, "boxes and covers for outlets and switches," shall mean outlet boxes and covers for all shapes, solid and sectional switch boxes, convenience wall boxes, utility boxes and covers, and fittings and accessories to all the foregoing, where such boxes, covers, fittings, and accessories are either fabricated primarily by the stamping process, or are assembled from parts fabricated primarily by the stampings process, and where such boxes, covers, fittings, and accessories are used for electrical purposes. The term shall not include condulets, unilets, or similar conduit fittings, cutout boxes, panel boxes, flush or surface cabinets, and cast iron boxes.

(b) For the purposes of this order, the term "base prices," shall mean the maximum prices established under section 7, or computed under sections 8, 9 or 10 of Revised Maximum Price Regulation No. 136, before the addition of any increase provided an individual manufacturer by way of individual adjustment under the provisions of Revised Maximum Price Regulation No. 136 or Supplementary Order No. 142, before the addition of any increase computed pursuant to the provisions of Order No. 591 under Revised Maximum Price Regulation No. 136, and before the addition of any increase provided by any other industry-wide order under that regulation or any portion of section 19 of the regulation.

(c) Subject to the provisions of paragraph (e) herein, the maximum prices for sales by manufacturers of boxes and covers for outlets and switches shall be the base prices increased by 19%.

(b) Subject to the provisions of paragraph (e) herein, the maximum prices for sales by resellers of boxes and covers for outlets and switches shall be the maximum prices in effect just prior to the issuance of this order, increased by the same percentage by which their net invoiced costs have been increased by reason of the issuance of this order.

(e) All prices established under paragraphs (c) and (d) of this order shall be subject to the same discounts, deductions, allowances, and other conditions of sales, in effect to any purchasers or classes of purchasers just prior to the issuance of this order.

(f) Every manufacturer of boxes and covers for outlets and switches shall give written notice to his reseller of the percentage amount by which this order permits such resellers to increase their maximum prices.

(g) Notwithstanding any of the other provisions of this order, the maximum prices for sales of boxes and covers for outlets and switches, approved under the "in-line" provisions of section 9 of Revised Maximum Price Regulation No. 136 subsequent to the effective date of this order, shall be the maximum prices so approved.

(h) Notwithstanding any of the provisions of this order, any seller of boxes and covers for outlets and switches may continue to charge and receive the maximum prices for such products in effect for such seller just prior to the issuance of this order.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-14021; Filed, Aug. 12, 1946;  
11:55 a. m.]

[MPR 183, Rev. Order 8]

#### METAL HOUSEHOLD FURNITURE

#### ADJUSTMENT OF MAXIMUM PRICES

Order No. 8 under § 1499.159e of Maximum Price Regulation No. 183 is redesignated Revised Order No. 8 and is amended and revised to read as follows:

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *Purpose of this order.* Metal household furniture has been found to be a reconversion product, in accordance with the standards set forth in § 1499.159e of Maximum Price Regulation No. 188.

This order specifies a price increase factor to be used by manufacturers of this product and it sets forth the specific pricing provisions which all sellers are to follow in calculating their maximum prices for sales of the product.

**SEC. 2. Articles covered by this order.** This order covers all articles of metal household furniture except those whose maximum prices were established under Order No. 4332 or Revised Order No. 4332 under Maximum Price Regulation No. 188. Metal household furniture means all articles of furniture primarily designed for and generally used in or around the home, made with metal which accounts for at least 20% of the total cost of the materials used or in the case of upholstered furniture where the frame is constructed predominantly of metal. Articles of these types are covered by this order even though they are sold for use in places other than households, such as hotels, clubs, institutions and ships. It includes, but is not limited to, wrought iron furniture, metal porch and lawn furniture (including gliders), metal kitchen and storage cabinets, metal dinette sets. It does not include any articles covered by Order No. 4800 under Maximum Price Regulation No. 188<sup>1</sup> or any articles of metal bedding such as metal beds, bedsprings, cots, etc.

**SEC. 3. Manufacturers' maximum prices—(a) Determination of maximum prices.** Manufacturers shall continue to determine their maximum prices for articles covered by this order under the same regulation and pricing provisions applicable before this order was issued.

**(b) Increase factor.** Manufacturers may increase by 14% their maximum prices (exclusive of any adjustment charges) properly established under Maximum Price Regulation No. 188 for sales to all persons other than ultimate consumers.

**(c) Adjusted maximum price.** A manufacturer's "adjusted maximum price" is the highest of the following amounts:

(1) His maximum price properly established under Maximum Price Regulation No. 188 increased by 14% in accordance with paragraph (b) of this section.

(2) His maximum price properly established under Maximum Price Regulation No. 188 or Order No. 4332 or Revised Order No. 4332 under that regulation plus any increases in that maximum price permitted by an OPA order, other than this order.

(3) His maximum price properly established under Section 5 of Supplementary Order No. 118.

A manufacturer may make sales and deliveries at or below his adjusted maximum price computed under this section.

**(d) Unadjusted maximum price.** In order to provide his purchasers for resale with the basis for determining their maximum prices under the applicable regulation, the manufacturer must state an "unadjusted maximum price" on his invoice. This section explains

how he computes that "unadjusted maximum price."

A manufacturer finds his "unadjusted maximum price" for any article covered by this order which he sells at a maximum price adjusted under this order or any other adjustment provision or order as follows:

(1) If his selling price for the article is not more than 5 percent above its properly established maximum price to a particular class of purchaser (exclusive of all permitted increases) his unadjusted maximum price to that class of purchaser is that properly established maximum price (exclusive of all permitted increases)

(2) If his selling price for the article is more than 5 percent above its properly established maximum price to a particular class of purchaser (exclusive of all permitted increases) he finds his unadjusted maximum price to that class of purchaser as follows:

**Step 1.** He determines the percentage by which his actual selling price exceeds his properly established maximum price (exclusive of all permitted increases).

**Step 2.** He deducts 5 percentage points from the percentage found in Step 1.

**Step 3.** He increases his maximum price (exclusive of all permitted increases) by the percentage found in Step 2. The resulting amount is his "unadjusted maximum price."

**EXAMPLE OF HOW A MANUFACTURER FINDS HIS "UNADJUSTED MAXIMUM PRICE" WHEN HIS SELLING PRICE IS MORE THAN 5% ABOVE HIS MAXIMUM PRICE**

A manufacturer has a properly established maximum price (exclusive of all permitted increases) of \$30.00 for a metal dinette set. He has received an order under Supplementary Order No. 119 permitting him to increase his maximum prices by 10%, however, his actual selling price on a particular sale is only \$32.40. The steps by which he finds his "unadjusted maximum price" are as follows:

**Step 1.** His selling price is \$2.40 above his previous maximum price. This he finds to be 8% above that maximum price.

**Step 2.** He deducts 5 percentage points from 8 percent, and the result is 3 percent.

**Step 3.** He increases his previous maximum price of \$30.00 by 3 percent. The "unadjusted maximum price" which he shows on his invoice for that sale is therefore \$30.90.

(3) If a manufacturer's new maximum price for a particular article was properly established under section 5 of Supplementary Order No. 118, he first finds a price exclusive of all permitted increases by the following steps:

**Step 1.** He finds the increase factor permitted under section 4 of Supplementary Order No. 118 on his most comparable 1941 article (which he used in calculating his maximum price under section 5 of that order), by dividing the new maximum price of that comparable by its maximum price in effect before Supplementary Order No. 118 was issued.

**Step 2.** He divides his new maximum price for the article priced under section 5 of Supplementary Order No. 118, by that increase factor.

The result is the figure he uses as the properly established maximum price (exclusive of all permitted increases) in calculating his "unadjusted maximum price" under subparagraphs (1) or (2) above, whichever is applicable.

(e) Regardless of any contrary provisions contained in this section, if the manufacturer's selling price is below the

"unadjusted maximum price" otherwise computed under this section, the unadjusted maximum price which must appear on his invoice for that article is the same as his selling price.

**SEC. 4. Maintenance of normal production.** An order may be issued under this section denying a manufacturer permission to adjust his maximum prices by all or part of the increase factor specified in section 3 when it appears to the Price Administrator, on the basis of information available to the Office of Price Administration, that:

(a) The manufacturer has discontinued production of the low-end models which he made and delivered during his last period of normal peacetime production; or

(b) The manufacturer has decreased the proportion of low-priced to high-priced models which he made and delivered during his last period of normal peacetime production, so that his present or prospective production is not representative, in that respect, of his production during that period.

The average price at which the manufacturer's production of each article will be sold shall be a consideration in determining the amount, if any, of the increase which will be granted such a manufacturer.

**SEC. 5. Manufacturers' reports.** (a) On or after March 15, 1946, before delivering or offering for delivery an article covered by this order at a maximum price increased under this order or under any other adjustment provision or order, every manufacturer shall file a report with the Office of Price Administration, Washington, D. C. That report shall set forth the following:

(1) The date of the report.

(2) The manufacturer's name and address.

(3) A copy of the price list, if any, which the manufacturer issued to the trade and which was effective during March 1942, and a statement of the class or classes of purchasers to which the prices shown thereon were applicable, unless already filed.

(4) A list of all articles of metal household furniture as defined in section 2 the maximum price of which the manufacturer is adjusting pursuant to this order, showing for each article:

(i) His properly established maximum price (exclusive of all permitted increases) to each class of purchaser to whom he customarily makes sales. If his new maximum prices were established under Section 5 of Supplementary Order No. 118, he shall report the prices exclusive of all permitted increases computed under section 3 (d) (3) of this order.

(ii) His adjusted maximum price to each class of purchaser to whom he customarily makes sales, stating the adjustment provision under which the adjusted maximum price was determined.

(iii) The pricing provision under which his maximum price (exclusive of all permitted increases) was established, as well as the specific section number, the date of approval, if any, and the order number, if any.

(b) With respect to all articles not specifically listed in his report referred

<sup>1</sup> Order No. 4800 under Maximum Price Regulation No. 188 covers articles of all-wood household furniture and also upholstered household furniture having a wood frame.

<sup>2</sup> This refers to Supplementary Orders Nos. 118 and 148, and to orders issued under Supplementary Orders Nos. 133 and 148, and Order No. A-2 and 2d Revised Order A-3 under Maximum Price Regulation No. 188.

to in (a) above, before delivering or offering for delivery any such article the manufacturer must file a signed report with the Office of Price Administration, Washington, D. C., stating for each such article, the information required by subparagraph (4) above.

(c) If a manufacturer fails to file the information required by subparagraph (4) above with respect to any particular article, his maximum price for any sale of that article is his properly established maximum price for the article exclusive of all adjustment charges or permitted increases.

(d) Every manufacturer must keep available for inspection by the Office of Price Administration a copy of each report filed under paragraph (a) or (b) of this section, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

**SEC. 6. Maximum prices of wholesalers whose sales are covered by Maximum Price Regulation No. 590.**—(a) *Modification of Maximum Price Regulation No. 590.* This section modifies the pricing provisions of Maximum Price Regulation No. 590 with respect to articles covered by this order. Unless the context of the order otherwise requires, the definitions in Maximum Price Regulation No. 590 apply to the terms used in this section.

(b) *Adjusted maximum price.* A wholesaler's adjusted maximum price for sales covered by Maximum Price Regulation No. 590 to each class of purchaser of an article covered by this order is the maximum price determined under Maximum Price Regulation No. 590 by using as "net cost" for the article the total of:

(1) The "net cost" of the article based on his supplier's unadjusted maximum price as it appears on his purchased invoice, and

(2) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost. For purposes of this subparagraph (2), "supplier's unadjusted maximum price" and "wholesaler's actual invoice cost" refer to those amounts as they appear on his supplier's invoice after all discounts except cash discounts.

A wholesaler may make sales covered by Maximum Price Regulation No. 590 at prices at or below his adjusted maximum price computed in this way.

(c) *Unadjusted maximum price.* A wholesaler's "unadjusted maximum price" for sales covered by Maximum Price Regulation No. 590 which must appear on every invoice which he furnishes to a purchaser for resale is the price determined under Maximum Price Regulation No. 590, by using a "net cost" for the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice.

If in accordance with section 4 or 7 of Maximum Price Regulation No. 590, a wholesaler elects to sell an article at his "highest price charged in March, 1942" instead of at the price found by applying his "category mark-up" to his "net cost," the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as his selling price.

If, in accordance with section 3a of Maximum Price Regulation No. 590 a wholesaler adopts as his own the manufacturer's ceiling prices to a particular class of purchaser, the "unadjusted maximum price" which he must show on his invoice for that article is the same as the manufacturer's "unadjusted maximum price" for sales of the article to the same class of purchaser.

However, if the wholesaler's selling price for the article is below the "unadjusted maximum price" computed above, the "unadjusted maximum price" which must appear on the wholesaler's invoice for that article is the same as his selling price.

(d) *Single category mark-up to be used.* A wholesaler who has divided a category into subcategories based on differences in cost as permitted by section 27 (b) of Maximum Price Regulation No. 590 may find in some cases that the same article belongs in two different subcategories as a result of the two different "net costs" computed under paragraphs (b) and (c) of this section. In such cases, the "category mark-up" which he shall use in determining both his adjusted maximum price under paragraph (b) above and his unadjusted maximum price under paragraph (c) above is the category mark-up applicable when the "net cost" is computed on the basis of his supplier's "unadjusted maximum price" in accordance with paragraph (c).

(e) *Ceiling price statement.* Before delivering any article the sale of which is covered by Maximum Price Regulation No. 590, at a maximum price adjusted under this order, the wholesaler must comply with the requirements of section 16 of Maximum Price Regulation No. 590 with regard to filing ceiling price statements.

**SEC. 7. Maximum prices of wholesalers whose sales are covered by the General Maximum Price Regulation; and of persons who resell commercial and institutional articles directly to the user.** A wholesaler who determines his maximum prices under the General Maximum Price Regulation finds his adjusted and unadjusted maximum prices, and any person who resells commercial or institutional furniture covered by this Order directly to the user finds his adjusted maximum prices, as follows:

(a) *Adjusted maximum prices.* (1) A seller who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his adjusted maximum price according to the method and procedure set forth in that section by adding the same mark-up which he had on that comparable article to the total of:

(i) His supplier's unadjusted maximum price, as it appears on his purchase invoice, and

(ii) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost.

A seller may make sales covered by the General Maximum Price Regulation

at prices at or below his adjusted maximum price computed in this way.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620-759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a seller cannot determine his adjusted maximum price under (1), he shall apply to the Office of Price Administration for the establishment of his adjusted maximum price under § 1499.3 (c) of the General Maximum Price Regulation. The application shall, in addition to the information specifically required by that section, also give the following information:

(i) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(ii) His actual invoice cost.

An adjusted maximum price established in this way will be in line with adjusted maximum prices established generally under this order for resellers of the same class.

(b) *Unadjusted maximum prices.* (1) A seller who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his "unadjusted maximum price" according to the method and procedure set forth in that section by adding the same mark-up which he has on that comparable article to his supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) If a seller cannot determine his unadjusted maximum price under (1), he shall, at the time he applies for an adjusted maximum price to the Office of Price Administration under paragraph (a) (2) of this section also apply for the establishment of an unadjusted maximum price. Unless such an unadjusted maximum price is established, he may not make sales of the article even though his adjusted maximum price is properly established.

**SEC. 8. Maximum prices of retailers whose sales are covered by Maximum Price Regulation No. 580.** If the retailer determines his maximum price in accordance with Maximum Price Regulation No. 580, his maximum price shall be the price which he calculates by using a "net cost" based upon his supplier's unadjusted maximum prices, as it appears on his purchase invoice. Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 580 apply to the terms used in this section.

**SEC. 9. Maximum prices of retailers whose sales are covered by the General Maximum Price Regulation.** (a) If the retailer determines his maximum prices under the General Maximum Price Regulation, his maximum price for sales of



an article covered by this order shall be computed as follows:

(1) A retailer who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall determine his maximum resale price by adding to his supplier's unadjusted maximum price (as it appears on his purchase invoice) the same mark-up which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620-759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a retailer cannot determine his maximum resale price under (1), he shall apply to the Office of Price Administration for the establishment of his maximum resale price under section 1499.3 (c) of the General Maximum Price Regulation. The retailer's application shall, in addition to the information specifically required by that section, also give the following information:

- (i) His supplier's unadjusted maximum price.
  - (ii) His actual invoice cost.
- A retailer's maximum price established in this way will be in line with retailers' maximum prices established generally under this order.

**Sec. 10. Invoices to purchasers for resale.** (a) Any person making a sale of an article covered by this order to a purchaser for resale, (except a retailer making a "cross-stream sale" covered by section 9 (b) of Maximum Price Regulation No. 580) must furnish such purchasers for resale with an invoice containing the following:

- (1) His name and address and the date of the invoice.
- (2) The purchaser's name and address.
- (3) The model designation of the article and such other description as may be necessary to identify the article on his pricing records.
- (4) His "unadjusted maximum price." (As defined in section 3, 6, or 7 whichever is applicable.)
- (5) The actual selling price of the article.
- (6) The nature and amount of any additional charges.
- (7) Terms of sale.
- (8) The following notice:

**NOTICES OF CEILING PRICES**

If you resell the articles for which unadjusted maximum prices are shown on this invoice you must find your resale ceiling prices under sections 6 through 9 of Revised Order No. 8 under § 1499.159e of Maximum Price Regulation No. 188. These sections replace Maximum Price Regulation 580 and 590 with respect to those articles.

In addition, if the sale is covered by Maximum Price Regulation No. 590, the following notice must also be given:

All prices on this invoice for articles covered by Maximum Price Regulation No. 590 are at or below our ceiling prices to you for the quantities, terms and conditions of this sale, as shown on our ceiling price statement filed with the \_\_\_\_\_ Regional Office (Name of city) of the OPA, pursuant to section 16 of Maximum Price Regulation No. 590.

If the seller who must furnish the invoice described in this paragraph fails to state separately both the "unadjusted maximum price" and the selling price, or fails to identify the "unadjusted maximum price," his maximum price for that sale is his properly established maximum price exclusive of all adjustment charges or permitted increases.

(b) A retailer making a "cross-stream sale" to another retailer must furnish the purchaser with the proper invoice required by section 9 (b) of Maximum Price Regulation No. 580. If the cross-stream sale is made in accordance with section 9 (b) (1) of Maximum Price Regulation No. 580 the seller must also state on his sales invoice his supplier's "unadjusted maximum price" for each article covered by this order which appears on the invoice.

(c) Every seller must keep available for inspection by the Office of Price Administration a copy of each such invoice for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(d) The provisions of this section supersede all provisions with respect to the furnishing of invoices contained in any order previously issued by the Office of Price Administration applicable only to the products of an individual manufacturer covered by this order.

**Sec. 11. Terms of sale.** Every seller of an article covered by this order must maintain all of his terms, discounts, allowances, and other price differentials in effect during March 1942, or which have been subsequently properly established under Office of Price Administration regulations or orders.

**Sec. 12. Relationship of this order to other orders or regulations—**(a) *Maximum Price Regulations Nos. 188, 580, and 590.* The provisions of this order supersede the provisions of Maximum Price Regulations Nos. 188, 580 and 590, only to the extent that they are inconsistent with the provisions of those regulations.

(b) *Supplementary Order Nos. 118, 119, 133, and 148 or Order A-2 under Maximum Price Regulation No. 188.* If a manufacturer is eligible for an adjustment under Supplementary Orders Nos. 118, 119, 133, or 148 he may nevertheless adjust his maximum prices under this order instead of under those provisions.

Manufacturers may continue to adjust their maximum prices in accordance with any increases permitted under Supplementary Orders Nos. 118, 119, 133 and 148 or Order No. A-2 under Maximum Price Regulation No. 188, instead of the increase factor specified in section 3. Where a manufacturer has been granted an individual order authorizing him to adjust his maximum prices, Revised Order No. 8 shall be used from the date of

this Order instead of Order No. 8 where any provision of such an individual order makes reference to Order No. 8.

**Sec. 13. Revocation or amendment.** This order may be revoked or amended by the Price Administrator at any time.

**Sec. 14. Effective date.** This revised order shall become effective on the 12th day of August 1946.

**NOTE:** The reporting and record-keeping provisions of this revised order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-14023; Filed, Aug. 12, 1946; 11:56 a. m.]

[MPR 188, Order 5123]

**UPHOLSTERED FURNITURE GRADE CHARTS**

**ESTABLISHMENT OF MAXIMUM PRICES**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

**SECTION 1. Purpose of this order.** The purpose of this order is to provide a method whereby manufacturers of upholstered furniture may determine their maximum prices for articles of furniture to which they apply cover fabrics having a "cost" higher than any cover "cost" used as a basis for establishing or determining a maximum price for such an article prior to the issuance of this order. (For the purpose of this order, cover fabric "cost" refers to actual invoice cost, or that amount as modified by the provisions of Maximum Price Regulation No. 188 or Revised Order No. 4902 under Maximum Price Regulation No. 188.) Prior to the issuance of this order, it was necessary for a manufacturer to apply to the Office of Price Administration to secure a method for determining his maximum prices in such cases. The provisions of this order incorporate in general the techniques which have been employed by the Office of Price Administration in the issuance of such individual orders, thus removing the necessity for issuing such orders in the future.

**Sec. 2. What this order covers.** This order covers articles of wood household furniture (as defined in Order No. 4800 under Maximum Price Regulation No. 188) to which a manufacturer applies cover fabrics having a "cost" higher than any cover fabric "cost" used as a basis for determining properly established maximum prices for those articles prior to the issuance date of this order. It does not, however, cover such articles to which a manufacturer applies a cover fabric having a "cost" of more than \$5.50 per yard.

The word "you", as used in this order, means a manufacturer who makes a sale or delivery of an article covered by this order.

**Sec. 3. What this order does.** This order enables you to determine your maximum prices for articles to which

you apply cover fabrics having a higher "cost" than the highest "cost" cover fabric in which you have maximum prices established prior to the issuance date of this order. Specifically, it tells you how to determine your maximum prices for articles to which you apply such cover in three different situations as follows:

(a) If you have maximum prices established for an article in various grades of upholstery fabric and those maximum prices are determined by means of a cover grading system which is based on the cost of your cover fabrics, you will determine your maximum prices for an article covered by this order under section 5.

(b) If you have maximum prices established for an article in one or more upholstery fabrics but those maximum prices are not determined by means of a cover grading system which is based on the cost of your cover fabrics, you will determine your maximum prices for an article covered by this order under section 6.

(c) If you have a maximum price established for an article only in muslin or customer's own material (i. e., if you have not previously established maximum prices for that article in one or more upholstery fabrics) you will determine your maximum prices for articles covered by this order under section 7.

**SEC. 4. Relation between this order and Revised Order No. 4992 under Maximum Price Regulation No. 188.** Revised Order No. 4992 under Maximum Price Regulation No. 188 covers articles to which the manufacturer applies cover fabrics as to which his purchase invoice contains a "prior ceiling price" as well as a selling price. With respect to articles covered by both this order and Revised Order No. 4992 under Maximum Price Regulation No. 188, you will first establish your maximum prices under this order and use the maximum prices so established in finding your maximum prices under Revised Order No. 4992 under Maximum Price Regulation No. 188.

**SEC. 5. How to determine your maximum price for an article under this order whose maximum prices are based on a customary or established cover grading system.** In general, paragraph (a) below tells you how to extend your customary or established cover grading system to include additional, higher "cost" grades. Each of the higher cost grades so established will include a cost range equivalent to the cost range included in the highest cost grade in your present cover grading system. (This section may not be used to establish cover grades including a "cost" higher than \$5.50 per yard of 54" material.) Paragraph (b) below tells you how to establish your maximum prices in such new cost grades, on the basis of the differential between the maximum price of the article in the last two cover grades of your present cover grading system.

(a) *How to establish new cover grades.* For each new cover grade to be established, you will proceed as follows:

(1) Find your "grade interval" for the highest cost grade of cover fabric in-

cluded in your customary or established cover grading system by deducting the lowest cost in that grade from the highest cost in that grade. This is the "grade interval" you will use in determining the lowest and the highest cost to be included in each new cover grade, except that if the amount so determined exceeds \$.50 you may not use this section to extend your customary or established cover grading system.

(2) Find the lowest cost to be included in each new cover grade by adding 1¢ to the highest cost included in the grade immediately lower in cost. Find the highest cost to be included in that new cover grade by adding the amount of the "grade interval" found in paragraph (a) (1) above to the lowest cost found for that new cover grade.

(3) Your grade designation for each new cover grade shall be the number, letter, or other symbol which consecutively and logically immediately follows the grade designation applicable to the grade immediately lower in cost than that new grade.

(b) *How to determine your maximum price for an article to which you apply a fabric belonging in one of the cover grades established under paragraph (a) above.* Your maximum price for an article to which you apply a fabric belonging in one of the cover grades established under paragraph (a) above is the total of the following:

(1) Your properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 188) for the article in the grade of cover fabric immediately preceding that new grade; and

(2) The difference between that maximum price and your properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 188) for the article in the grade of cover fabric immediately preceding that cover grade.

**EXAMPLE OF HOW A MANUFACTURER ESTABLISHES NEW COVER GRADES AND DETERMINES HIS MAXIMUM PRICES FOR ARTICLES TO WHICH HE APPLIES FABRICS BELONGING IN THOSE COVER GRADES**

If, in March, 1942, a manufacturer offered a sofa in the following cost grades and now wishes to offer that sofa in fabrics costing up to and including \$4.50, he proceeds as follows:

Grade and cost	Properly established maximum price of sofa
A—Up to and including \$0.25	\$0.60
B—\$0.26 to and including \$0.35	51.50
C—\$0.36 to and including \$0.50	53.75
D—\$0.51 to and including \$0.75	57.50
E—\$0.76 to and including \$1.00	61.25
F—\$1.01 to and including \$1.25	65.00
G—\$1.26 to and including \$1.50	68.75
H—\$1.51 to and including \$1.75	70.25
I—\$1.76 to and including \$2.25	83.75

He determines his "grade interval" and the cost range of each successive cover grade as follows: Grade I is the highest cover grade of fabric in which he delivered or offered for delivery this sofa during March 1942. His grade interval is \$2.25 less \$1.75 or 49¢. The lowest cost to be included in the first new grade will be one cent higher than the highest cost included in Grade I (\$2.25) or \$2.26. The highest cost to be included will be that \$2.26 plus the "grade interval" of 49¢, or \$2.75. This new grade becomes his Grade J.

His maximum price for this sofa in Grade J is its properly established maximum price in Grade I (\$33.75) plus the difference between its properly established maximum price in Grade I and in Grade H (\$33.75 less \$76.25, or \$7.50) or \$91.25.

Following this procedure for each successive grade, he establishes the following new cover grades and maximum prices:

Grade and cost	Properly established maximum price of sofa
J—\$2.26 to and including \$2.75	\$91.25
K—\$2.76 to and including \$3.25	93.75
L—\$3.26 to and including \$3.75	105.25
M—\$3.76 to and including \$4.25	113.75

**SEC. 6. How to determine your maximum price for an article under this order whose maximum prices in upholstery fabrics are not based on a customary or established cover grading system.** The maximum prices heretofore established for a particular article covered with various upholstery fabrics are not changed by the provisions of this section. This section does, however, provide a method whereby you may establish maximum prices for an article to which you apply upholstery fabrics having a higher "cost" than any heretofore used in establishing a maximum price for that article. In general, this method provides a cover grading system by means of which you will grade those higher cost covers and tells you how to determine your maximum prices for articles to which you apply cover fabrics belonging in those grades.

(a) *How to place cover fabrics in the grades in which they belong.* The following grading system shall apply to all fabrics having a higher "cost" than the "cost" of the highest "cost" cover fabric you have heretofore used in establishing a maximum price for a particular article.

Cost of upholstery fabric per yard of 54" material <sup>1</sup>	Grade designation
Up to and including \$0.40	A
\$0.41 to and including \$0.50	B
\$0.51 to and including \$0.75	C
\$0.76 to and including \$1.00	D
\$1.01 to and including \$1.25	E
\$1.26 to and including \$1.50	F
\$1.51 to and including \$1.75	G
\$1.76 to and including \$2.00	H
\$2.01 to and including \$2.25	I
\$2.26 to and including \$2.50	J
\$2.51 to and including \$2.75	K
\$2.76 to and including \$3.00	L
\$3.01 to and including \$3.25	M
\$3.26 to and including \$3.50	N
\$3.51 to and including \$3.75	O
\$3.76 to and including \$4.00	P
\$4.01 to and including \$4.25	Q
\$4.26 to and including \$4.50	R
\$4.51 to and including \$4.75	S
\$4.76 to and including \$5.00	T
\$5.01 to and including \$5.25	U
\$5.26 to and including \$5.50	V

<sup>1</sup> The cost grades established above are for material 59" or 54" in width. For fabrics 36" in width, multiply your "cost" per yard of that fabric by 1.5 and grade the material on the basis of the resulting amount.

(b) *How to determine your maximum prices for articles to which you apply cover fabrics graded under (a) above.* You will find your maximum price for a particular article to which you apply cover fabrics graded under (a) above as follows:

(1) Find the "cost" of the highest cost fabric in which you had a properly estab-

lished maximum price for the article prior to the issuance date of this order and the grade in which that fabric belongs, using the grading system set forth in paragraph (a) above.

(2) Find the highest maximum price established for the article prior to the issuance date of this order.

(3) Your maximum price for the article when covered with a fabric graded under (a) above is the total of:

(i) The maximum price found in (2) above, and

(ii) 31¢ per yard of 54" material used in covering the article for each grade variation between the grade found in (1) above and the grade of fabric applied to the article; except that if the grade found in (1) above is Grade A, only 12¢ per yard of 54" material shall be used for the grade variation between Grade A and Grade B.

**EXAMPLE OF HOW A MANUFACTURER DETERMINES HIS MAXIMUM PRICES FOR AN ARTICLE UNDER SECTION 6 OF THIS ORDER**

A manufacturer has a properly established maximum price of \$4.00 for a boudoir chair covered in two yards of \$1.50 fabric. He now wishes to offer that chair in fabrics costing up to \$2.50. He determines his new maximum prices for this chair as follows: Using the cover grading system provided in paragraph (a) of this section, he finds that this \$1.50 fabric belongs in Grade F. He finds his maximum price for the chair in Grade G by adding 62¢ (31¢ times 2, the number of yards required to cover the chair) to his maximum price in Grade F (\$4.00). His maximum price for the chair in Grade G is, therefore, \$4.62. To find his maximum price in each successive cost grade, he adds 62¢ to the maximum price of the chair in the grade immediately lower in cost.

**SEC. 7. How to determine your maximum price for an article under this order if you have maximum prices established for that article only in muslin or customer's own material.** This section provides a method whereby you may establish maximum prices for a particular article to which you apply upholstery fabrics if the only maximum prices established for that article prior to the issuance of this order were for the article in muslin or customer's own material. In general, this method provides a grading system by means of which you will grade your upholstery fabrics on the basis of their "cost" and tells you how to determine your maximum prices for articles to which you apply cover fabrics belonging in those cover grades.

(a) **How to place cover fabrics in the grades in which they belong.** You will grade all cover fabrics which you apply to articles under this section on the basis of their "cost" as follows:

Cost of upholstery fabric per yard of 54" material: <sup>1</sup>	Grade designation
Up to and including \$0.40-----	A
\$0.41 to and including \$0.50-----	B
\$0.51 to and including \$0.75-----	C
\$0.76 to and including \$1.00-----	D
\$1.01 to and including \$1.25-----	E
\$1.26 to and including \$1.50-----	F
\$1.51 to and including \$1.75-----	G
\$1.76 to and including \$2.00-----	H
\$2.01 to and including \$2.25-----	I
\$2.26 to and including \$2.50-----	J
\$2.51 to and including \$2.75-----	K
\$2.76 to and including \$3.00-----	L
\$3.01 to and including \$3.25-----	M
\$3.26 to and including \$3.50-----	N
\$3.51 to and including \$3.75-----	O

Footnotes at end of table.

Cost of upholstery fabric per yard of 54" material: <sup>1</sup>	Grade designation
\$3.76 to and including \$4.00-----	P
\$4.01 to and including \$4.25-----	Q
\$4.26 to and including \$4.50-----	R
\$4.51 to and including \$4.75-----	S
\$4.76 to and including \$5.00-----	T
\$5.01 to and including \$5.25-----	U
\$5.26 to and including \$5.50-----	V

<sup>1</sup>The cost grades established above are for materials 50" or 54" in width. For fabrics 36" in width, multiply your "cost" per yard of that fabric by 1.5 and grade the material on the basis of the resulting amount.

(b) You will find your maximum prices for a particular article covered by this order to which you apply cover fabrics graded under paragraph (a) above as follows:

(i) Your maximum price for the article when covered in your Grade A cover fabric is the same as your properly established maximum price for the article in muslin or customer's own material, whichever is higher.

(ii) Your maximum price for the article in Grade B cover fabric is its maximum price in Grade A plus 10¢ per yard of 54" material used in covering the article.

(iii) Your maximum price for the article in other grades of cover fabric is its maximum price in Grade B plus an amount equal to 25¢ per yard of 54" material used in covering the article for each grade variation from cover Grade B.

**EXAMPLE OF HOW A MANUFACTURER DETERMINES HIS MAXIMUM PRICES FOR AN ARTICLE UNDER SECTION 7 OF THIS ORDER**

A manufacturer has a properly established maximum price for a club chair in muslin of \$40.00. (This chair requires 5 yards of 54" material.) Since he now wishes to offer this chair in various grades of upholstery fabrics, he establishes his maximum prices in each of the various cover grades listed in paragraph (a) of this order as follows: His maximum price in Grade A is his properly established maximum price in muslin, or \$40.00. His maximum price in Grade B is that \$40.00 plus an amount equal to 10¢ times 5 (the yardage required to cover the chair) or \$40.50. His maximum price in Grade C is \$40.50 plus an amount equal to 25¢ times 5 (\$1.25) or \$41.75. To find his maximum price in each successive grade, he adds \$1.25 to the maximum price of the chair in the grade immediately lower in cost.

**SEC. 8. Relation between this order and other orders and regulations.** (a) The provisions of this order supersede the provisions of Maximum Price Regulation No. 138 to the extent that they are inconsistent with the provision of that regulation.

(b) **Order No. 4800 under Maximum Price Regulation No. 138 and orders issued to individual manufacturers under other adjustment provisions.** You may increase the maximum price for an article established in accordance with this order by the applicable percentage amount permitted by Order No. 4800 under Maximum Price Regulation No. 138 or by an individual order which has been issued to you under any other adjustment provision; except that, with reference to articles covered by Revised Order No. 4992, the provisions of that order must be applied before you adjust your

maximum prices in accordance with this paragraph (b)

**SEC. 9. Reports.** (a) Before delivering or offering for delivery any article at a maximum price determined under this order, you must file a signed report with the Office of Price Administration, Washington 25, D. C. That report shall contain the following information:

(1) If you have established your maximum prices under section 5 of this order:

(i) The cost range included in the highest cost grade of cover fabric included in your customary or established cover grading system prior to the issuance of this order.

(ii) Your properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 138) for the article in that highest cost grade of cover fabric and also in the grade of cover fabric immediately lower in price than that highest cost grade.

(iii) A list of the cover grades and maximum prices established for each article under this order.

(2) If you have established your maximum prices under Section 6 of this order:

(i) The "cost" of the highest cost fabric in which you had a properly established maximum price for the article prior to the issuance of this order.

(ii) Your highest properly established maximum price (exclusive of all permitted increases and without reference to Revised Order No. 4992 under Maximum Price Regulation No. 138) for the article.

(iii) A list of the maximum prices established for each article under this order and the correct grade designation for each.

(3) If you have established your maximum prices under section 7 of this order:

(i) Your properly established maximum price for the article in muslin or customer's own material, whichever is higher.

(ii) A list of the maximum prices established for each article under this order and the correct grade designation for each.

(b) You must keep available for inspection by the Office of Price Administration a copy of the report filed under paragraph (a) of this section, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

**SEC. 10. Modification of maximum prices established under this order.** The maximum prices established under this order may be modified by an individual order issued under § 1499.158 of Maximum Price Regulation No. 138.

**Effective date.** This order shall become effective August 17, 1946.

**NOTE:** The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-14024; Filed, Aug. 12, 1946; 11:56 a. m.]

[RMPR 528, Order 134]

## FIRESTONE TIRE &amp; RUBBER CO.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes of rayon All Traction, Logger tires, manufactured by The Firestone Tire & Rubber Company of Akron, Ohio, shall be:

## LOGGER TYPE TIRES

Size	Ply	Maximum retail price, each
8.25-20.....	10	\$78.15
9.00-20.....	10	93.55
10.00-20.....	12	115.10
10.00-22.....	12	129.65
11.00-20.....	12	135.69
11.00-22.....	12	142.50

(b) All provisions of RMPR 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective August 13, 1946.

Issued this 12th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-14027; Filed, Aug. 12, 1946;  
11:53 a. m.]

[MPR 61, Rev. Order 14]

## DOMESTIC LEATHER

## ADJUSTMENT OF MAXIMUM PRICES

Order No. 14 under Maximum Price Regulation 61 is revised and amended to read as follows:

(a) *Applicability.* This order authorizes an adjustment of the maximum prices of all leathers tanned in the continental United States.

(b) *Adjustment of maximum prices.* On and after August 9, 1946, the maximum price of any leather specified in paragraph (a) above, may be adjusted as follows:

(i) The seller, except one whose maximum prices are established or determined pursuant to sections 6 (d) 7 (a) 9 (b) (1) (iii) or 9 (b) (2) (iii) of Maximum Price Regulation 61, shall determine his total invoice price (which shall not exceed the sum of his maximum prices determined or established for such items of leather under the applicable sections of the regulation) and may add to the total invoice price thus ascertained, an amount not to exceed 6% thereof to obtain his adjusted invoice price.

(ii) A seller whose maximum prices are established pursuant to sections 6 (d) 9 (b) (1) (iii) or 9 (b) (2) (iii) of Maximum Price Regulation 61 may add the markup specified in the applicable

section of the regulation to the producer's maximum price as adjusted pursuant to paragraph (b) (i), above.

(c) No seller may sell or deliver any leather covered by this order at a maximum price adjusted pursuant to paragraph (b) (i) above, unless in connection with each such sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all the information required by section 12 of Maximum Price Regulation 61, the following:

(i) The total invoice price exclusive of the adjustment authorized by this order.

(ii) The percentage by which he has increased the total invoice price in accordance with the provisions of paragraph (b) (i), above. This percentage must be designated on the invoice as "OPA adjustment charge of — percent under Order No. 14, Maximum Price Regulation 61." Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which such an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be clearly indicated.

(iii) The dollar-and-cents amount of the adjustment added and stated as a separate item.

(d) *Discounts.* Term discounts shall be deducted from the total amount of the adjusted invoice price.

(e) *Amendments.* This order may be amended or revoked at any time by the Office of Price Administration.

(f) *Effective date.* This order shall become effective August 9, 1946.

Issued this 9th day of August 1946.

PAUL A. PORTER,  
Administrator

[F. R. Doc. 46-13958; Filed, Aug. 9, 1946;  
4:03 p. m.]

## Regional and District Office Orders.

[Region II Rev. Order G-1 Under MPR 426, Amdt. 1]

## FRESH FRUITS AND VEGETABLES IN NEW YORK CITY

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by section 2-b of Maximum Price Regulation 426, *It is hereby ordered,* That Revised Order No. G-1 under Maximum Price Regulation 426, section 2-b shall be and is hereby amended in the following manner:

1. In paragraph (a) of section 5, "the Purveyors to whom this order applies," add as listing number 23 the name and address of the following:

Louis Chorna, 133-08 Northern Blvd., Flushing, N. Y.

2. A copy of this amendment has been filed with the Division of the Federal Register where it is open for inspection by the public.

3. This amendment shall become effective at 12:01 a. m. on August 6, 1946.

Issued this 5th day of August, 1946.

JAMES L. MEYER,  
Regional Administrator

Approved:

K. W. SCHAELE,  
Chief, Northeast Marketing  
Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture.

[F. R. Doc. 46-13853; Filed, Aug. 8, 1946;  
4:30 p. m.]

[Region II 2d Rev. Order G-2 Under  
MPR 426]

## FRESH FRUITS AND VEGETABLES IN NEW YORK AREA

For the reasons stated in an accompanying opinion, this order is issued.

**SECTION 1. What this order does.** This order establishes the amount of freight from "basing point" to "wholesale receiving point" which may be added to the maximum f. o. b. shipping point price to determine the maximum selling prices for certain fresh fruits and vegetables at all "wholesale receiving points" in the area described in section 2 below.

**Sec. 2. Area covered.** This order applies in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk and Westchester in the State of New York.

**Sec. 3. Amount of freight allowance—**  
(a) Bronx, Kings, New York, Queens and Richmond Counties. The freight allowance from "basing point" to any "wholesale receiving point" in these counties for any commodity listed in Appendix A shall be the corresponding amount listed in the annexed Appendix A.<sup>1</sup> Such amount includes all allowances, if any, for protective and other accessorial services and all taxes on transportation costs.

(b) Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties. The freight allowance from "basing point" to any "wholesale receiving point" in these counties for any commodity listed in Appendix A shall be the sum of the corresponding amounts listed in Appendices A<sup>1</sup> and B.<sup>1</sup> Such sum included all allowances, if any, for protective and other accessorial services and all taxes on transportation costs. However, for a carlot or trucklot sold direct to any "wholesale receiving point" in these counties, the freight allowance shall be that prescribed in subdivision (a) of this section.

**Sec. 4. Meaning of terms.** The terms "basing point" and "wholesale receiving point" are to be understood as defined in Maximum Price Regulation No. 426.

**Sec. 5. Effective date.** This revised order shall become effective on August 5, 1946 at 4:30 p. m.

<sup>1</sup> Filed as part of the original document.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4687; MPR 426, 8 F.R. 16409)

Issued August 5, 1946.

JAMES L. MEADER,  
Regional Administrator.

For Agriculture:

K. W. Schaible.

[F. R. Doc. 46-13862; Filed, Aug. 8, 1946;  
4:29 p. m.]

[Region II Order G-1 Under MPR 592,  
Amdt. 1]

#### CONSTRUCTION MATERIALS AND REFRAC- TORIES IN NEW YORK AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator, Region II of the Office of Price Administration by the Emergency Price Control Act of 1942 as amended, by section 17 of MPR 592 as amended, and by Revised Procedural Regulation No. 1, *It is ordered that:*

(a) Order No. G-1 under section 17 of MPR 592, is hereby amended by adding to sub-division 1 of section (c) of said order, the words "discount not to exceed \$30 per scow"

(b) Said Order No. G-1 under section 17 of MPR 592 is hereby further amended by adding to sub-division 2 of section (c) of said order, the words "discount not to exceed \$20 per scow"

(c) Said Order No. G-1 under section 17 of MPR 592, is hereby further amended by adding to sub-division 3 of section (c) of said order, the words "discount not to exceed \$10 per scow"

(d) Said Order G-1 under section 17 of MPR 592 is hereby further amended by adding after paragraph (d) of said order, a paragraph designated as (e) and reading as follows:

(e) All persons purchasing sand, grit and gravel, produced in Nassau and Suffolk Counties, New York, for resale in the same form in the area covered by this order, may add to their legal maximum prices the percentage increase in cost to them resulting from the increase granted to the producers of said sand, grit and gravel by paragraph (a) of this order.

(e) Except as hereby amended, Order No. G-1 under section 17 of Maximum Price Regulation 592 shall remain the same and all provisions thereof shall remain applicable.

This amendment shall become effective immediately.

Issued this 6th day of August 1946.

JAMES L. MEADER,  
Regional Administrator

[F. R. Doc. 46-13864; Filed, Aug. 8, 1946;  
4:30 p. m.]

[Region II Order G-8 Under EO 119, Amdt. 1]

A. KREAMER, INC.

#### ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to sections #15, 16 and 19 of Revised Supplementary Order #119, *It is ordered, That Order No. G-8 under Supplementary Order No. 119 be amended in the following respects:*

1. Paragraph (a) is amended to read as follows:

(a) Manufacturer's ceiling prices. A. Kreamer, Inc., 307 Kent Avenue, Brooklyn, New York may increase its maximum prices established under Maximum Price Regulation No. 188 (exclusive of all permitted increases or adjustment charges) for sales to each class of purchaser of metal household, hotel and restaurant utensils which it manufactures by 16.8% of each such maximum price.

2. Paragraph (b) is amended to substitute the percentage amount "16.8%" in place of the percentage amount "6.3%" wherever that figure appears.

3. Paragraph (c) is amended to read as follows:

(c) Notification. At the time of, or prior to, the first invoice to a purchaser for resale showing a maximum price adjusted in accordance with the terms of this amendment, the seller shall notify such purchaser in writing of the methods established in paragraphs (b) and (c) for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

This order shall become effective immediately.

Issued this 27th day of July 1946.

JAMES L. MEADER,  
Regional Administrator

[F. R. Doc. 46-13861; Filed, Aug. 8, 1946;  
4:29 p. m.]

[Region VIII Rev. Order G-4 Under Gen.  
Order 68, Amdt. 1]

#### BUILDING MATERIALS IN SAN FRANCISCO AREA

On June 28, 1946, the Regional Administrator issued Revised Order No. G-4 under General Order No. 68 to become effective July 1, 1946. This order was filed with the Division of the Federal Register and was published in the FEDERAL REGISTER on July 26, 1946, 11 F.R. 8057. On June 30, 1946, the Emergency Price Control Act of 1942, as amended, terminated, and for that reason this order did not become effective.

Therefore, for the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section (a) of General Order No. 68, *It is hereby ordered.*

1. Revised Order No. G-4 under General Order No. 68 is hereby reissued and amended in the following respects:

(a) The effective date of such order is changed from July 1, 1946, to August 11, 1946.

(b) The prices provided in Appendix A of that order for "Metal Lath" items are increased by \$0.01 per square yard.

2. This order may be cited as Amendment No. 1 to Revised Order No. G-4 under General Order No. 68.

This order shall become effective August 11, 1946.

Issued this 2d day of August 1946.

BEN C. DUNNWAY,  
Regional Administrator

[F. R. Doc. 46-13868; Filed, Aug. 8, 1946;  
4:31 p. m.]

[Region VIII Order G-21 Under RMPR 251]

#### INSTALLED ROOFING AND SIDING IN SAN FRANCISCO AREA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, *it is hereby ordered:*

(a) *What this order does.* This order establishes maximum prices for sales of installed roofing, siding, and coatings thereon, and incidental services and installations including waterproofing and damp-proofing, when the installation or service is performed in Northern and Central California, southward to and including Fresno, Kings, Mono, Monterey, and Tulare Counties.

(b) *Relation to Revised Maximum Price Regulation No. 251.* Except as otherwise provided herein, this order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to sales covered by this order. Except to the extent that they are inconsistent with this order, however, all other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, shall apply to sales covered by this order.

(c) *Maximum prices.* The maximum prices for sales of the following materials on an installed basis in the above-described area are as follows. These prices are for materials installed according to manufacturers' specifications, and include material and labor for hip, ridge and valley, and nails, mastic, and flashing except to the extent special provision is made therefor. The maximum price for any unlisted combination of materials shall be the lowest price determinable by adding to the price of any item listed in Categories A, C and D the allowances provided for the necessary extras.

#### (A) COMPOSITION ROOFING AND COMPOSITION SHINGLES

Item	Maximum price (per square of 100 sq. ft. unless otherwise noted)
Roofing:	
1. 1-5-pound Dry sheet 4 layers 15-pound asphalt felt, mopped between and on top, plus gravel.....	\$10.00
2. 2 layers 35-pound ready roofing, mopped between and on top, plus gravel.....	8.50
3. 4 layers 15-pound asphalt felt, mopped between and on top, plus gravel.....	9.50
4. 3 layers 15-pound or 20-pound asbestos felt, mopped between and on top.....	11.50
5. 45-pound asbestos felt, nailed on, plus 2 layers 15-pound or 20-pound asbestos felt, mopped between and on top.....	13.00



## (A) COMPOSITION ROOFING AND COMPOSITION SHINGLES—continued

Item	Maximum price (per square of 100 sq. ft. unless otherwise noted)
Roofing—Con.	
6. 2 layers 15-pound asphalt felt and 1 layer 90-pound mineral surface cap sheet, mopped between	\$10.50
7. 58-pound mineral surface split sheet, nailed and mopped on	7.00
8. 2 layers 40-pound specification roofing, mopped between and on top, plus gravel	8.50
9. 3 layers 40-pound specification roofing, mopped between and on top, plus gravel	11.25
10. 1 layer 15-pound asphalt felt and 58-pound mineral split sheet, nailed and mopped on	9.25
11. 90-pound roll composition, mineral surfaced, nailed on; With seams mopped	6.00
Completely mopped	6.50
12. 15-pound asphalt felt plus 65-pound smooth or 90-pound mineral surface cap, nailed and mopped on	8.00
13. 30-pound asphalt felt plus 65-pound smooth or 90-pound mineral surface cap, nailed and mopped on	8.75
14. 2 layers 30-pound asphalt felt, nailed and mopped between and on top	7.50
15. 2 layers 15-pound asphalt felt, mopped between and on top	6.00
16. 2 layers 15-pound asphalt felt, mopped between and on top, plus gravel	6.50
17. 3 layers 15-pound asphalt felt, mopped between and on top, plus gravel	8.50
18. 2 layers 30-pound asphalt felt, mopped between and on top, plus gravel	8.00
19. 40-pound smooth specification roofing plus 90-pound mineral surface cap, nailed and mopped on	9.00
20. 30-pound asphalt felt and 58-pound mineral surface split sheet, nailed and mopped on	10.00
21. 1 layer Irish Flax Felt and gravel, with 4 moppings of asphalt	13.00
22. 2 layers saturated fabric, mopped underneath and on top, plus gravel	13.00
23. 1 layer saturated fabric, mopped underneath and on top, plus gravel	7.50
Shingles:	
24. 105-pound classification, including diamond point, pyramid, shadow point, gothic point, roll roofing, nailed on with tabs cemented	7.75
25. 130-pound to 150-pound classification, including standard Dutch Lap Lok, and grip lock shingles:	
With underlay	9.50
Without underlay	9.00
26. 151-pound to 173-pound classification, including hexagon, standard Gothic, giant Dutch lap, Everlite, rigid slab:	
With underlay	10.50
Without underlay	10.00
27. 174-pound to 239-pound classification, including square butt, thick butt, and square tab:	
With underlay	13.00
Without underlay	12.50
28. 255-pound to 325-pound classification rigid asbestos shingles (white or colored)	
With underlay	27.00
Without underlay	26.50

## (B) EXTRAS FOR COMPOSITION ROOFING AND SHINGLES

Item	Maximum price (per square of 100 sq. ft. unless otherwise noted)
For additional layers of material to comply with buyer's specifications or when not included in the foregoing:	
1. 1 extra layer 15-pound asphalt felt:	
Nailed on	\$1.50
Mopped on	2.00
2. 1 extra layer 30-pound asphalt felt:	
Nailed on	2.25
Mopped on	2.75
3. 1 extra layer 40-pound specification, mopped on	3.00
4. 1 extra layer 15-pound or 20-pound asbestos, mopped on	3.00
5. For crushed red brick in place of gravel, add	2.25
6. For crushed marble or white limestone in place of gravel add	3.25
7. On built-up roofs having a pitch greater than $\frac{1}{4}$ (4" vertical rise in each 12" of horizontal dimension), and on other roofs having a pitch greater than $\frac{1}{3}$ (8" vertical rise in each 12" of horizontal dimension) add	1.00
8. For spudding, removal, and disposal of gravel only, on overlay	2.50
9. For jobs using elevators in buildings where hoist cannot be used, add	2.00
10. For commercial or industrial jobs using 2 derricks on 2 levels, add	\$20.00
	Percent
11. Firewall on commercial or industrial job, price of actual area of firewall may be increased	50
	Per lin. ft.
12. New galvanized iron flashing, 4" width, any gauge	\$9.25
13. New galvanized iron flashing, 6" width or wider, any gauge	.30
14. Fabric and plastic flashing	.15
15. Tile coping, standard masonry type	.25
16. For drilling holes and anchoring tile	.10
17. 3 course Asbestos flashing	.25
18. 5 course Asbestos flashing	.40
19. Metal edging $\frac{1}{2}$ " x $1\frac{1}{2}$ " x $1\frac{1}{2}$ "	.10
20. New redwood gutters, 4" x 4" with 2 coats of paint	1.25
21. New galvanized iron gravel stop	.10
22. New wood roof cap, 1" x 2" or 1" x 3" primed	.20
23. Relining box gutters	.30
24. Replacing boards on gutters 1" x 2" or 1" x 3"	.30
	Each outlet
25. Replacing old outlet on re-roof job (flat roofs only)	\$7.50
	Per square
26. Recoating; removal and disposal of gravel; repairing weak and broken places; flood coating with hot asphalt and gravel	\$5.50
(C) REPAIR JOBS ON COMPOSITION ROOFS	
Locating leaks; cleaning leak area; patching and finishing:	
1. 1 man	\$65.00
	\$3.00
2. 2 men	\$10.00
	\$0.00
3. 2 men with hot kettle used on job	\$12.00
	\$6.00
4. 3 men with hot kettle used on job	\$18.00
	\$0.00
*First hour.	
*Per hour thereafter,	

## (D) WOOD SHINGLES

Item	Per square
1. No. 1 cedar or redwood (5" exposure)	\$13.50
2. No. 2 cedar or redwood (5" exposure)	12.50
3. No. 3 cedar (5" exposure)	10.50
Shakes:	
4. $\frac{3}{4}$ " to $1\frac{1}{4}$ " 10" exposure, including 15-pound felt	25.00
5. $\frac{1}{2}$ " 10" exposure, including 15-pound felt	22.50
6. $\frac{3}{4}$ " thick x 28" length, cedar, 10" exposure, including 15-pound felt	21.00
7. $\frac{3}{4}$ " thick x 18" length, cedar; 7" exposure, including 15-pound felt	20.00
8. Zephyrs, with 1 prime coat and grained; 18" shingle and undercourse; 14" exposure	25.00
9. Zephyrs, untreated, 16" routed and undercourse, 12" exposure	21.00

## (E) EXTRAS FOR WOOD SHINGLES

Item	Per lin. ft.
1. Clean and seal gutters	\$0.25
2. Clean, seal, and paint gutters	.30
3. New molding installed under gutter	.15
4. Hips and ridges	.25
5. Valleys	.10

Item	Per square
6. Use of galvanized nails instead of blued nails	\$0.75

## (F) EXTRAS FOR COMPOSITION ROOFING AND SHINGLES AND FOR WOOD SHINGLES

1. For jobs on buildings of 3 or more stories, additional charges per square may be made as follows:	
Number of stories:	
3	\$0.60
4-5	.30
6-7	1.20
8 and over	2.50
2. When total area is less than 5 squares, add	2.00
San Francisco and Alameda Counties Only	
3. For removal of old composition roof without gravel	\$2.50
4. For disposal thereof	1.00
5. For removal of old composition roof with gravel	3.50
6. For disposal thereof	1.50

## All Other Counties Covered by This Order

7. For removal of old composition roof without gravel	\$1.50
8. For disposal thereof	.50
9. For removal of old composition roof with gravel	2.50
10. For disposal thereof	.50

## All Areas

11. For removal of old wood shingles	\$2.75
12. For disposal thereof	1.00
13. Attached cornices, towers, dormers, lean-to's, eyebrows, bay windows, and towers under 8 ft. high, price of actual area may be increased	

Item	Per cent
creased	50
14. Towers over 8 feet, price of actual area may be increased	100
	Per lin. ft.
15. Relining Dutch gutters	\$9.20

(d) Subcontracts. The seller may add to the maximum price under this order the cost of subcontracts entered into by the seller involving services and/or materials incidental or supplemental to the main contract if the subcontract has

been figured in accordance with the provisions of the applicable regulation or order plus a margin of 10% of such cost.

(e) *Jobs and materials for which specific prices are not provided in this order and related or incidental work.* For any composition shingle, roll roofing or wooden shingle installation as roofing or siding, and the application of plain or fiber roof coating, whether applied cold or hot, and water-proofing and damp-proofing, and for any related or incidental work for which a maximum price is not provided in paragraph (c) of this order, the maximum price shall be established by either of the following methods:

(1) By application to the San Francisco District Office of the Office of Price Administration, 1355 Market Street, San Francisco 3, California, for the establishment of a maximum price. Such application shall contain the following information:

- (i) The seller's name and address.
- (ii) Job location and specifications.
- (iii) Proposed maximum price.
- (iv) Basis for the requested maximum price, showing itemized estimates of costs and margin (including profit).

The Regional Administrator of Region VIII, or the Director of the San Francisco District Office may establish a maximum price or pricing method by special order in response to such application, but the proposed price shall be deemed to be approved 20 days after mailing the application (or after mailing all additional information which may have been requested) unless within that time the Office of Price Administration notifies the seller that his proposed price has been disapproved. Such Regional Administrator or District Director may also establish maximum prices for such services on his own motion.

(2) If the seller does not file an application for a price under the preceding paragraph (1) his price shall be the actual cost of labor and materials and "other direct costs" plus 25% of such costs, or if a lump-sum contract is made plus 35% of costs, or the price provided by this order for the most nearly similar type of work, whichever is lower.

(f) *Measurements.* When measuring the area to be covered, deductions for openings shall be made as follows:

**Residential structures:**

For openings aggregating less than 100 square feet, no deduction need be made.  
For openings aggregating from 100 to 500 square feet, deduct 50% of total area of openings.

For openings aggregating over 500 square feet, deduct the total area of the openings.

**Commercial or industrial structures:**

For any opening of less than 100 square feet, no deduction need be made.  
For larger openings and where total openings aggregate more than 500 square feet, 50% of the total area shall be deducted.

(g) *Travel expenses.* For mileage and travel expenses the seller may charge as follows, provided such charges are explained to and authorized by the buyer

prior to starting the work and are separately invoiced:

(1) On jobs which are more than 10 miles from the seller's nearest place of business, a charge of five cents per mile each way may be made for the distance beyond the 10 mile limit, but not exceeding \$10.00.

(2) A seller may be reimbursed for expenses incurred by him for employees required to remain out of town for the purpose of the job, but not in excess of \$5.00 per day per employee and not in excess of the amount actually paid.

(h) *Definitions.* (1) "Square" means 100 square feet of roof area or wall area, as the case may be.

(2) "Cost of labor" means the amount paid for labor, but not in excess of the legal rates as established by the appropriate governmental agency as of the date of this order.

(3) "Cost of materials" means the amount paid for materials, but not in excess of their maximum prices for sales to roofing applicators.

(4) "Other direct costs" include only the cost of workmen's compensation and public liability insurance, social security and unemployment compensation taxes. Administrative and overhead costs, selling expenses, and the mileage and travel allowance permitted by this order are not to be included as direct costs.

(i) *Records and invoices.* Each seller must keep, at his place of business, available for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records concerning each sale covered by this order, showing the following:

- (1) Name and address of purchaser.
- (2) Location of job.
- (3) Date of transaction.
- (4) An itemized description of the material and services involved and the prices charged.
- (5) A separate statement of any related and incidental work and the prices charged for such work.

Every person making sales subject to this order shall furnish each customer who requests it an invoice or sales slip on which he has certified that the price charged does not exceed the price permitted by this order and setting forth information sufficient to show the correctness of the price charged, including the areas or footage involved and the applicable unit price when one is provided by this order, and the labor rates, hours of work involved, and itemized cost of materials, when maximum prices depend thereon, and showing also the names and addresses of the buyer and seller, the location of the job and the date of its completion, and an itemization of any other charges (such as for mileage or subsistence) authorized by this order. Such seller shall also keep duplicates of such invoices or sales slips at his place of business, available for inspection by representatives of the Office of Price Administration. No charge may be made for any item as to which a seller fails to keep the records or to issue an invoice as required by this paragraph.

(j) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 11, 1946.

Issued this 31st day of July 1946.

BEN C. DUNIWAY,  
Regional Administrator

[F. R. Doc. 46-13866; Filed, Aug. 8, 1946; 4:30 p. m.]

[Region VIII Order G-16 Under MPR 802]

**CEMENT PRODUCTS IN SAN FRANCISCO AREA**

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Regional Administrator by section 23 of Maximum Price Regulation No. 592; *It is hereby ordered.*

(a) This order shall apply to sales by producers in the State of Nevada, except Clark and Lincoln Counties.

(b) Maximum prices for sales at retail of specified building blocks and clay bricks shall be as set forth in Appendix A, attached hereto.<sup>1</sup>

(c) Maximum prices for sales to building block producers of specified aggregates shall be as set forth in Appendix B, attached hereto.<sup>1</sup>

(d) For the purpose of this order sales at retail shall mean sales to contractors and ultimate consumers.

(e) This order may be corrected, amended or revoked at any time.

(f) This order shall become effective August 2, 1946.

Issued this 2d day of August 1946.

BEN C. DUNIWAY,  
Regional Administrator

[F. R. Doc. 46-13867; Filed, Aug. 8, 1946; 4:31 p. m.]

[Houston Order 1 Under Gen Order 68, Amdt. 1]

**BUILDING MATERIALS IN HOUSTON, TEX., DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the District Director of the Houston District Office of the Office of Price Administration by section (b) (2) of General Order 68; *It is hereby ordered, That:*

Order No. 1 issued by the District Director aforesaid under General Order 68 upon the fifteenth day of January 1946, for maximum prices for retail sales of certain building materials in Harris County, Texas, be and the same, is hereby amended as follows:

A. Appendix A, as to the item "Asphalt or Tarred Felt 15 lbs.," is amended to read as follows:

Asphalt or tarred felt, 15 lbs.	Any....	432 sq. ft. roll.....	2.67
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<sup>1</sup> Filed as part of the original document.

B. Appendix A, as to the item "Asphalt Roll Roofing, slate surface 90 lbs.," is amended to read as follows:

Asphalt roll roofing, slate surface 90 lbs.	Any	108 sq. ft. roll	2.78
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C. Appendix A, as to the item "Metal Lath 2.5 lbs. galvanized," is amended to read as follows:

Metal lath 2.5 lbs galvanized.	C/L or more.	Sq. yd.	.235
		Sq. yd.	.245

D. Appendix A, as to the item "Metal Lath 3.4 lbs. galvanized," is amended to read as follows:

Metal lath, 3.4 lbs. galvanized.	LCL	Sq. yd.	.325
	L/C or more.	Sq. yd.	.283

E. Two additional listings are added to Appendix A, to read as follows:

Metal lath, painted copper alloy 2.5 lbs.	LCL	Sq. yd.	.235
	L/C or more.	Sq. yd.	.227
Metal lath, painted copper alloy, 3.4 lbs.	LCL	Sq. yd.	.315
	C/L or more.	Sq. yd.	.230

F Footnote No. 5 appearing on page 3 of Appendix A is deleted.

This amendment shall become effective June 18, 1946.

Issued at Houston, this 11th day of June 1946.

STEPHEN J. TULLY, Jr.,  
District Director.

[F. R. Doc. 46-13865; Filed, Aug. 8, 1946; 4:30 p. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 8, 1946.

##### Region I

Augusta Order 3-F Amendment 61, covering fresh fruits and vegetables in Portland, South Portland and Westbrook. Filed 1:32 p. m.

Augusta Order 5-F, Amendment 60, covering fresh fruits and vegetables in Bangor and Brewer. Filed 1:32 p. m.

Hartford Order 5-F, Amendments 64-65, covering fresh fruits and vegetables in Waterbury and Watertown. Filed 3:06 p. m.

Hartford Order 6-F Amendments 64-65, covering fresh fruits and vegetables in the Hartford area. Filed 3:06 p. m.

Hartford Order 7-F, Amendments 64-65, covering fresh fruits and vegetables in the New Haven area. Filed 3:05 p. m.

Hartford Order 8-F Amendments 64-65, covering fresh fruits and vegetables in the Bridgeport area. Filed 3:05 p. m.

##### Region II

Buffalo Order 11-F, covering fresh fruits and vegetables in Rochester, East Rochester, Fairport and Pittsford, New York. Filed 1:37 p. m.

Buffalo Order 12-F, covering fresh fruits and vegetables in Allegany, Cattaraugus, Chautauqua counties, New York. Filed 1:37 p. m.

Buffalo Order 13-F, covering fresh fruits and vegetables in certain areas in New York. Filed 1:37 p. m.

Buffalo Order 14-F covering fresh fruits and vegetables in certain areas in New York. Filed 1:38 p. m.

Scranton Order 7-F, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:06 p. m.

Scranton Order 8-F, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:06 p. m.

##### Region IV

Richmond Order 1-D Revocation, covering butter and cheese. Filed 1:36 p. m.

Richmond Order 8-W, Amendment 8, covering dry groceries. Filed 1:36 p. m.

##### Region V

Fort Worth Order 20, Amendment 9, covering dry groceries sold by Groups 1 and 2 stores. Filed 1:36 p. m.

Fort Worth Order 21, Amendment 11, covering dry groceries sold by Groups 3 and 4 stores. Filed 1:36 p. m.

Fort Worth Order 21, Amendment 12, covering dry groceries sold by Groups 3A and 4A stores. Filed 1:36 p. m.

Kansas City Order 4-F, Amendment 53, covering fresh fruits and vegetables in Johnson and Wyandotte counties, Kansas; Jackson county, Missouri and the City of North Kansas City, Missouri. Filed 1:37 p. m.

Kansas City Order 9-F, Amendment 36, covering fresh fruits and vegetables in Buchanan county, Missouri. Filed 1:37 p. m.

Kansas City Order 25, Amendment 4A, covering dry groceries sold by Groups 3 and 4 stores. Filed 3:03 p. m.

##### Region VI

Des Moines Order 3-M, Amendment 1, covering bottled and canned domestic malt beverages in certain counties in Iowa. Filed 1:37 p. m.

##### Region VII

Helena Order 115 Revocation, covering dry groceries sold by Groups 3 and 4 stores in the State of Montana. Filed 1:38 p. m.

##### Region VIII

San Francisco Order 27-F, Amendment 20, covering fresh fruits and vegetables in certain counties in California except the City of Eureka and the City of Marysville. Filed 1:28 p. m.

San Francisco Order 14, Amendment 19, covering dry groceries in certain counties in California and the city and county of San Francisco. Filed 1:29 p. m.

San Francisco Order 19, Amendment 9, covering dry groceries in certain counties in California. Filed 1:29 p. m.

San Francisco Order 20, Amendment 12, covering dry groceries in the city and county of San Francisco, counties of Alameda, Contra Costa, Marin and San Mateo. Filed 1:29 p. m.

San Francisco Order 21, Amendment 10, covering dry groceries in certain counties in California. Filed 1:29 p. m.

San Francisco Order 23, Amendment 9, covering dry groceries in certain counties in California. Filed 1:29 p. m.

San Francisco Order 24, Amendment 9A, covering dry groceries in the city of Fresno. Filed 1:29 p. m.

San Francisco Order 24, Amendment 10, covering dry groceries in the city of Fresno. Filed 1:30 p. m.

San Francisco Order 23, Amendment 9, covering dry groceries in certain counties in California. Filed 1:30 p. m.

San Francisco Order 38, Amendment 9, covering dry groceries in certain areas in California. Filed 1:30 p. m.

San Francisco Order 38, Amendment 7A, covering dry groceries in certain areas in California. Filed 1:30 p. m.

San Francisco Order 39, Amendment 3, covering dry groceries in certain areas in California. Filed 1:30 p. m.

San Francisco Order 40, Amendment 7, covering dry groceries in certain counties in California. Filed 1:30 p. m.

San Francisco Order 41, Amendment 6A, covering dry groceries in certain counties in California. Filed 1:30 p. m.

San Francisco Order 42, Amendment 7, covering dry groceries in certain areas in California. Filed 1:31 p. m.

San Francisco Order 43, Amendment 7, covering dry groceries in certain counties in California. Filed 1:31 p. m.

San Francisco Order 44, Amendments 8 and 8A, covering dry groceries in certain areas in California. Filed 1:31 p. m.

San Francisco Order 45, Amendment 7, covering dry groceries in certain areas in California. Filed 1:31 p. m.

San Francisco Order 14, Amendment 19B, covering dry groceries in certain counties in California. Filed 1:29 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERWIN H. POLLACK,  
Secretary.

[F. R. Doc. 46-13918; Filed, Aug. 9, 1946; 11:59 a. m.]

[Region II, Order G-1 Under RMFR 236]

#### FLOUR IN NEW YORK AREA

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and pursuant to the authority vested in the Regional Administrator by section 12 of Revised Maximum Price Regulation 296 and pursuant to Revised Procedural Regulation No. 1, this order is hereby issued.

SECTION 1. *What this order does.* This order, as to certain delivery points within Region II, adjusts the amounts which may be added by certain flour distributors to the maximum carload prices pursuant to paragraphs (2) and (4) of Appendix A IX.

SEC. 2. *Area covered.* This order applies in the counties of Bronx, Kings, New York, Queens and Richmond in the State of New York and the counties of Essex, Bergen and Hudson in the State of New Jersey all of which counties comprise and are considered in this order.

"the metropolitan areas of New York and northeastern New Jersey."

**SEC. 3. Definitions.** When used in this order all terms have the same meaning as in Revised Maximum Price Regulation 296 except that where a term is not specifically defined in RMPR 296 but is specifically defined in this order the meaning as set forth in this order shall prevail.

**SEC. 4. When certain amounts may be added.** (a) The amount set forth in this order which may be added to the amount set forth in Paragraph 2 of Appendix A IX may be added only when:

- (1) The shipment or delivery is of 250 cwt. or less;
- (2) The shipment or delivery is f. o. b. mill or f. o. b. seller's warehouse;
- (3) The sale is not a sale at retail;
- (4) The provisions of Appendix A IX of RMPR 296 are complied with.

b. The amount set forth in this order which may be added to the amount set forth in Paragraph 4 of Appendix A IX of Revised Maximum Price Regulation 296 may be added only when:

- (1) The shipment or delivery is of 250 cwt. or less;
- (2) The shipment or delivery is delivered at any destination in the metropolitan areas of New York-northeastern New Jersey, except f. o. b. mill, f. o. b. seller's warehouse, f. o. b. industry track; or the delivery is made by truck or vehicle other than a rail car, barge or vessel, from either a mill or seller's warehouse located within the limits of the metropolitan areas of New York-northeastern New Jersey or from a rail car spotted on a team track within such areas to a point in an area outside the limits of the metropolitan areas of New York-northeastern New Jersey;
- (3) The sale is not a sale at retail;
- (4) The provisions of Appendix A IX of RMPR 296 are complied with.

**SEC. 5. Schedule of maximum amounts which may be added.** The maximum amounts which may be added by flour distributors under the conditions set forth in this order to the amounts set forth in Paragraph (2) and (4) respectively, of Appendix A IX of RMPR 296 which may be added to the maximum carload prices are:

Paragraph (2)—28¢ per cwt.

Paragraph (4)—35¢ per cwt.

**SEC. 6. Financial reports required.** Within 15 days following the expiration of three months after the effective date of this order, all flour distributors affected by this order shall submit individual profit and loss financial statements covering the said three months period, showing in detail operating expenses and showing particularly salesmen's commissions, expenses of trucking, storage and unloading and volume of flour handled.

**SEC. 7.** A copy of this order has been filed with the Division of the Federal Register where it is open for inspection by the public.

**SEC. 8.** This order may be revoked or amended by the Price Administrator of Region II at any time.

**SEC. 9. Effective date.** This order shall be effective from 12:01 a. m. on August 8, 1946, to 11:59 p. m. on December 7, 1946.

Issued this 9th day of August 1946.

JAMES L. MEADER,  
Regional Administrator

[F. R. Doc. 46-13948; Filed, Aug. 8, 1946;  
12:06 p. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 8, 1946.

##### Region I

August Order 3-F, Amendment 62, covering fresh fruits and vegetables in Portland, South Portland and Westbrook. Filed 1:32 p. m.

##### Region II

Baltimore Order 13-F covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 1:40 p. m.

Baltimore Order 14-F covering fresh fruits and vegetables in the Baltimore, Maryland area. Filed 2:06 p. m.

Baltimore Orders 3-M and 4-M, covering bottle beer and ale in the Baltimore, Maryland area. Filed 1:40 p. m.

Newark Order 10-F covering fresh fruits and vegetables in certain counties in New Jersey, except the Borough of North Plainfield, N. J. Filed 1:42 p. m.

Newark Order 11-F covering fresh fruits and vegetables in certain counties in New Jersey and the Borough of North Plainfield, in Somerset county, N. J. Filed 1:42 p. m.

##### Region III

Cincinnati Order 26, Amendment 7, covering dry groceries. Filed 2:34 p. m.

Cincinnati Order 27, Amendment 5A, covering dry groceries. Filed 2:34 p. m.

Cincinnati Order 27, Amendment 26, covering dry groceries. Filed 2:34 p. m.

Cincinnati Order 28, Amendment 6, covering dry groceries. Filed 2:34 p. m.

Cincinnati Order 29, Amendment 6, covering dry groceries. Filed 2:34 p. m.

Detroit Order 10-F (Appendix A) Amendment 70, covering fresh fruit and vegetables in Wayne and Macomb counties, Michigan. Filed 2:34 p. m.

Detroit Order 10-F (Appendix B) Amendment 71, covering fresh fruits and vegetables in certain counties in Michigan. Filed 2:33 p. m.

Detroit Order 10-F (Appendix B) Amendment 72, covering fresh fruits and vegetables in certain counties in Michigan. Filed 2:33 p. m.

Louisville Order 26, Amendment 14, covering dry groceries in Jefferson county, Kentucky and Clark and Floyd counties, Indiana. Filed 2:33 p. m.

##### Region IV

Atlanta Order 15-F Amendment 30, covering fresh fruits and vegetables in Bibb and Muscogee counties, Georgia and Phenix City, Alabama. Filed 2:44 p. m.

Atlanta Order 16-F Amendment 12, covering fresh fruits and vegetables in

Chatham and Richmond counties. Filed 2:44 p. m.

Atlanta Order 17-F, Amendment 12, covering fresh fruits and vegetables in Dougherty and Thomas counties. Filed 2:44 p. m.

Atlanta Order 18-F, Amendment 12, covering fresh fruits and vegetables in certain areas in Georgia. Filed 2:44 p. m.

Atlanta Order 19-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p. m.

Atlanta Order 20-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p. m.

Atlanta Order 21-F Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:43 p. m.

Columbia Orders 23-C and 24-C, covering poultry in Zone 23. Filed 2:42 p. m.

Columbia Orders 25-C and 26-C, covering poultry in Zone 24. Filed 2:42 p. m.

Columbia Order 27-C, covering poultry in Richland and Lexington counties South Carolina. Filed 2:37 p. m.

Columbia Orders 1-D and 2-D, covering butter and cheese in the State of South Carolina. Filed 2:35 p. m.

Columbia Orders 23-O and 24-O, covering eggs in Zone 15. Filed 2:37 p. m.

Columbia Orders 25-O and 26-O, covering eggs in Zone 16. Filed 2:37 and 2:36 p. m.

Columbia Order 27-O, covering eggs in Richland and Lexington counties, South Carolina. Filed 2:35 p. m.

Jacksonville Order 15-F Amendment 11, covering fresh fruits and vegetables in the city of Pensacola, Florida. Filed 2:43 p. m.

Jacksonville Order 17-C, Amendment 7, covering poultry in Duval county, Florida. Filed 2:43 p. m.

Jacksonville 24-O, Amendment 18, covering eggs in Duval county, Florida. Filed 2:43 p. m.

Jacksonville 14-F, Amendment 37, covering fresh fruits and vegetables in the city of Jacksonville, Florida. Filed 2:43 p. m.

Nashville Order 13-F, Amendments 12 and 13A, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 1:41 p. m.

Raleigh Order 13-F Amendments 25 and 26, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 1:43 p. m.

Raleigh Order 14-F Amendments 23 and 24, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 1:42 p. m.

Raleigh Orders 23 and 24, Amendment 6, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores. Filed 1:43 p. m.

Raleigh Orders 25 and 26, Amendment 6, covering dry groceries sold by Groups 1 and 2 and 3 and 4 stores. Filed 1:43 p. m.

Raleigh Orders 7-W and 8-W, Amendment 6, covering dry groceries sold at wholesale in certain counties in the Raleigh area. Filed 1:43 and 1:44 p. m.

## Region V

Fort Worth Order 13-F Amendment 53, covering fresh fruits and vegetables in Tarrant county, Texas. Filed 2:07 p. m.

Fort Worth Order 19-F Amendment 40, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita counties, Texas. Filed 2:07 p. m.

Fort Worth Order 23-F Amendment 9, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:07 p. m.

Fort Worth Order 26-F Amendment 9, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:07 p. m.

Fort Worth Order 27-F Amendment 1, covering fresh fruits and vegetables in certain counties in Texas. Filed 2:11 p. m.

Kansas City Order 10-F Amendment 36, covering fresh fruits and vegetables in Greene county, Missouri. Filed 2:12 p. m.

Kansas City Order 11-F Amendment 36, covering fresh fruits and vegetables in Jasper county, Missouri. Filed 2:12 p. m.

Kansas City Order 14-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p. m.

Kansas City Order 15-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p. m.

Kansas City Order 16-F Amendment 4, covering fresh fruits and vegetables in certain counties in Missouri. Filed 2:12 p. m.

Little Rock Order 16-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p. m.

Little Rock Order 17-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p. m.

Little Rock Order 18-F Amendment 5, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p. m.

Little Rock Order 19-F Amendment 4, covering fresh fruits and vegetables in certain counties in Arkansas and in Bowie county, Texas. Filed 2:13 p. m.

Little Rock Order 20-F Amendment 4, covering fresh fruits and vegetables in Garland, Montgomery and Pike counties, Arkansas. Filed 2:13 p. m.

Little Rock Order 21-F Amendment 2, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 2:13 p. m.

## Region V

New Orleans Order 3-F, Amendments 51, 52, covering fresh fruits and vegetables in Parishes of Orleans, St. Bernard and Jefferson (except Grand Isle, Louisiana). Filed 1:38 p. m. and 2:14 p. m.

New Orleans Order 5-F, Amendments 42 and 43, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe, and West Monroe, Louisiana. Filed 1:38 and 2:14 p. m.

New Orleans Order 6-F, Amendment 41, covering fresh fruits and vegetables

in certain Parishes of Louisiana except the cities of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 1:38 p. m.

New Orleans Order 7-F, Amendment 9, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 1:38 p. m.

New Orleans Order 8-F Amendment 9, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 1:38 p. m.

New Orleans Order 9-F, Amendment 1, covering fresh fruits and vegetables in certain Parishes of Louisiana and in Grand Isle, Louisiana. Filed 1:38 p. m.

Oklahoma City Order 14-F, Amendment 4, covering fresh fruits and vegetables in Garfield, Oklahoma and Pottawatomie counties, Oklahoma. Filed 2:14 p. m.

Oklahoma City Order 15-F, Amendment 4, covering fresh fruits and vegetables in Muskogee and Tulsa counties, Oklahoma. Filed 2:14 p. m.

Oklahoma City Order 16-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p. m.

Oklahoma City Order 17-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:14 p. m.

Oklahoma City Order 18-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 2:27 p. m.

Oklahoma City Order 19, Amendment 9, covering dry groceries sold by Groups 3 and 4 stores. Filed 2:27 p. m.

## Region VI

Chicago Order 2, covering dry groceries. Filed 2:12 p. m.

Des Moines Orders 22 and 13-W Amendment 7, covering dry groceries. Filed 1:39 p. m.

Omaha Order 14-F Amendment 10, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 1:44 p. m.

Omaha Order 15-F Amendment 25, covering fresh fruits and vegetables in certain counties in Nebraska and the city of Council Bluffs, Iowa. Filed 1:44 p. m.

Omaha Order 16-F Amendment 25, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 1:44 p. m.

Omaha Order 17-F Amendment 25, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 1:44 p. m.

Peoria Order 16-F, Amendment 23, covering fresh fruits and vegetables in certain counties in Illinois. Filed 1:41 p. m.

Peoria Order 17-F, Amendment 23, covering fresh fruits and vegetables in certain counties in Illinois. Filed 1:41 p. m.

Peoria Order 18-F Amendment 23, covering fresh fruits and vegetables in certain counties in Illinois. Filed 1:42 p. m.

Peoria Order 19-F, Amendment 23, covering fresh fruits and vegetables in Peoria, Tazewell, Woodford, Livingston, McLean, Ford, Iroquois, Illinois. Filed 1:42 p. m.

## Region VII

Helena Order 63-F, Revocation, covering fresh fruits and vegetables in Livingston, and Lewistown areas. Filed 1:39 p. m.

Helena Order 64-F, Revocation, covering fresh fruits and vegetables in certain areas in Montana. Filed 1:39 p. m.

Helena Order 65-F, Revocation, covering fresh fruits and vegetables in The Glasgow, Glendive, Miles City, Sidney, Havre, and Chinook areas. Filed 1:39 p. m.

Helena Order 66-F, Revocation, covering fresh fruits and vegetables in certain areas in Montana. Filed 1:39 p. m.

Helena Order 67-F Revocation, covering fresh fruits and vegetables in The Billings, Butte, and Great Falls areas. Filed 1:39 p. m.

Helena Order 109, Revocation, covering dry groceries for the Billings, Butte and Great Falls areas. Filed 1:40 p. m.

Helena Order 110, Revocation, covering dry groceries in certain counties in Montana. Filed 1:40 p. m.

Helena Order 111, Revocation, covering dry groceries in Helena, East Helena, Bozeman, Livingston, Kalispell, and Missoula. Filed 1:40 p. m.

## Region VII

Helena Order 112, Revocation, covering dry groceries in certain counties in Montana. Filed 1:40 p. m.

Helena Order 113, Revocation, covering dry groceries in Havre, Chinook, Glasgow, Sidney, Glendive, Miles City and Lewistown. Filed 1:40 p. m.

Helena Order 114, Revocation, covering dry groceries in certain areas in Montana. Filed 1:40 p. m.

Helena Order 15-W Revocation, covering dry groceries in The Billings, Butte, and Great Falls areas. Filed 1:39 p. m.

Helena Order 16-W Revocation, covering dry groceries in Helena, East Helena, Bozeman, Livingston, Kalispell, and Missoula. Filed 1:39 p. m.

Helena Order 17-W Revocation, covering dry groceries in Havre, Chinook, Glasgow, Sidney, Glendive, Miles City, and Lewistown. Filed 1:39 p. m.

## Region VIII

Nevada Revocation Orders, covering dry groceries, Order Nos. 32, 33, 34, 35, 37, 38, and 39, Dry Groceries at Wholesale Orders, 6-W and 8-W, Poultry Orders 5-C, 6-C, 7-C, 8-C, 9-C, and 10-C, Butter and Cheese Orders 1-D and 2-D, Fresh Fruits and Vegetables Orders 11-F, 12-F, 13-F, 14-F, and 15-F, Eggs Order Nos. 8-O, 9-O, 10-O, 11-O, 12-O, and 13-O, and Bottled and Canned Domestic Malt Beverages Orders 1-M, and 2-M. Filed 2:11 p. m.

Portland Order 32-F, Amendment 36, covering fresh fruits and vegetables in The Medford, Klamath Falls, Oregon area. Filed 1:44 p. m.

Portland Order 33-F, Amendment 36, covering fresh fruits and vegetables in The Roseburg, Grants Pass, Ashland, Lakeview, Oregon area. Filed 1:44 p. m.

Portland Order 34-F, Amendment 35, covering fresh fruits and vegetables in The Astoria, Coos Bay, Oregon area. Filed 1:44 p. m.

Portland Order 35-F, Amendment 36, covering fresh fruits and vegetables in



The Florence, Reedsport, Coquille, Oregon area. Filed 1:45 p. m.

Portland Order 36-F Amendment 36, covering fresh fruits and vegetables in the cities of Bend and Pendleton, Oregon. Filed 1:45 p. m.

Portland Order 37-F Amendment 36, covering fresh fruits and vegetables in The La Grande, Baker, Redmond, Heppner, Oregon area. Filed 1:45 p. m.

Portland Order 38-F Amendment 36, covering fresh fruits and vegetables in the Haines, Wallowa, Enterprise, Oregon area. Filed 1:45 p. m.

Portland Order 39-F Amendment 36, covering fresh fruits and vegetables in the Albany, Corvallis, Eugene, Oregon area. Filed 1:45 p. m.

Portland Order 42-F Amendment 37, covering fresh fruits and vegetables in certain areas in Oregon. Filed 1:45 p. m.

Portland Order 43-F Amendment 16, covering fresh fruits and vegetables in the Kelso, Salem, the Dalles, Clatskanie, Forest Grove, Oregon area. Filed 1:45 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 46-13950; Filed, Aug. 9, 1946;  
4:05 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1335]

SPRING BROOK WATER CO. AND NY PA NJ UTILITIES CO.

### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of August 1946.

NY PA NJ Utilities Company, a registered holding company, and its wholly-owned and inactive subsidiary, Spring Brook Water Company, having filed a joint application-declaration pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, regarding the transfer of 80 shares of the \$1 par value common stock of Atlantic Utility Service Corporation from Spring Brook Water Company to NY PA NJ Utilities Company as a partial payment of \$553.55 on ac-

count of indebtedness owed by Spring Brook Water Company to NY PA NJ Utilities Company, the price being the approximate liquidation value of the said 80 shares of stock; and

Such joint application-declaration having been filed on July 5, 1946, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers, to grant said application and permit said declaration to become effective pursuant to sections 9 (a), 10, 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-13995; Filed, Aug. 12, 1946;  
10:07 a. m.]

[File No. 802-7-1]

MARINE MIDLAND GROUP, INC.

### NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August A. D. 1946.

The Commission on November 1, 1940, having entered an order pursuant to section 202 (a) (11) (F) of the Investment Advisers Act of 1940 declaring Marine Midland Group, Inc. not to be an investment adviser within the intent of section 202 (a) (11) of the act, with the proviso that the order would not relieve the applicant from the operation of the act if, at any time, the facts upon which the order was based should become materially changed; and

Marine Midland Group, Inc. on July 22, 1946, having filed an application reciting material changes in the facts upon

which the Commission's order of November 1, 1940, was based and seeking an order, pursuant to section 202 (a) (11) (F) of said act, declaring Marine Midland Group, Inc. not to be an investment adviser within the intent of section 202 (a) (11) of the Act upon the facts disclosed in that application;

It is ordered, Pursuant to section 211 (c) of the act, that the matter be set down for hearing at 10:00 a. m. on Thursday, August 15, 1946, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Allen MacCullen, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-13996; Filed, Aug. 12, 1946;  
10:07 a. m.]

## PRICE DECONTROL BOARD.

MILK AND FOOD OR FEED PRODUCTS PROCESSED OR MANUFACTURED FROM MILK

### NOTICE OF PUBLIC HEARING

The Board has issued a notice signed August 2, 1946, of a public hearing commencing August 12, 1946, 9:30 a. m., e. s. t., in Room 318, Senate Office Building, Washington, D. C.

Notice is hereby given that the oral presentations relating to milk, and food or feed products processed or manufactured in whole or in substantial part from milk, will start on August 14, 1946, during the course of the afternoon session, which begins at 1:30 p. m., e. s. t.

At that time the Board will hear oral presentation by certain representatives of retail stores and restaurants and certain representatives of consumers, all of whom have also requested and been given opportunity to make oral presentations on August 13, 1946, with respect to livestock and products derived therefrom.

ROY L. THOMPSON,  
Chairman.

AUGUST 10, 1946.

[F. R. Doc. 46-13993; Filed, Aug. 12, 1946;  
9:33 a. m.]